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ARCHIVES OF MARYLAND //

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

SEPTEMBER 1693 — JUNE 1697

PUBLISHED BY AUTHORITY OF THE STATE, UNDER THE DIRECTION
OF THE MARYLAND HISTORICAL SOCIETY

WILLIAM HAND BROWNE

Editor



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BALTIMORE, *September 20*, 1899.

To the Maryland Historical Society:

GENTLEMEN:

We have the honor to submit the Nineteenth Volume of the Maryland Archives, being the Proceedings and Acts of the General Assembly of Maryland from September, 1693, to June, 1697.

Respectfully,

CLAYTON C. HALL,
HENRY STOCKBRIDGE, JR.,
BERNARD C. STEINER,
Committee.

ARCHIVES OF MARYLAND.

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PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY OF MARYLAND,
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PREFACE.

The present volume continues the Proceedings and Acts of the Provincial Assembly from the close of Vol. XIII.

In 1693, Lionel Copley, the first royal governor, died, and Francis Nicholson, who had been Deputy Governor of New York and Lieut. Governor of Virginia until superseded by Sir Edmund Andros, succeeded to the office by virtue of a commission issued in 1691, appointing him Lieut. Governor of Maryland, with the succession in the event of Copley's death. Nicholson was in England when Copley died, and Andros immediately seized the government on the strength of a royal commission which, as he declared in a proclamation, made him the successor in case of Copley's death. But this commission, when examined, was found to authorize him to assume the office only in case of Nicholson's death and Copley's absence, but not in the event of the death of Copley and absence of Nicholson, which was the actual case.

We have not the Journal of the Upper House for the Session of Sept. 20-26, 1693; but some of the proceedings in the matter of Andros's usurpation will be found recapitulated on pp. 63-66 of the present volume.

The most important business before the Assembly at this Session, was the case of Sir Thomas Lawrence, Secretary of the Province, who had been illegally suspended from his office and imprisoned by Copley. The Assembly annulled the order of imprisonment, and in the following May, Lawrence was reinstated by order of the King, to whom he had appealed.

Andros soon returned to Virginia, and the affairs of the Province were administered by Col. Nicholas Greenberry, President of the Council, until the order for Lawrence's reinstatement was received, when the latter was chosen President and held the office until Nicholson's arrival.

The first Assembly called by Nicholson met on Sept. 20, 1694, in the old capital, St. Maries, and among other proceedings erected the settlement called Severn, on the river of that name, into the town and port of Anne Arundel. It was bruited throughout the Province that it was

the intention of the Assembly to remove the seat of government to Anne Arundel, and the Mayor and Council of St. Maries earnestly protested against a measure which implied the ruin of that ancient city, but their protest was rejected with mockery and coarse insult, showing the bitter animosity of the Assembly. In the following Session, Feby.-Mar. 1694/5, the Assembly met at Anne Arundel Town (afterwards called Annapolis) to which the Provincial Court and public records were removed.

It was, no doubt, a wise move. The desirability of a more central seat of government, after the spread of population into the middle and northern counties, had been for some time apparent, and in 1683 there had been a temporary and tentative removal to Anne Arundel county, but no permanent change made, on account of insufficient accommodations. It is plain, however, that other considerations beside that of public convenience, entered into the motives for removal. St. Maries was distinctively Catholic, and intimately associated with the Proprietary Government, while Anne Arundel and the settlement on the Severn had been from the first distinctively and aggressively Protestant. The removal of the capital emphasized the fact that Maryland was no longer proprietary and Catholic, but royal and Protestant.

Nicholson was a man of great ability and integrity, of liberal views and of firm purposes. As a matter of course he made enemies in Virginia, and their calumnies have been accepted even by some recent writers without examination. In Maryland he seems to have made a highly favorable impression, and the Burgesses, even when contending with him, took care to express their respect and confidence. Their words on one such occasion are worth repeating:—

“We have not the least doubt of our rights or liberties being infringed by our gracious Sovereign or our noble and worthy Governor; and we do sincerely acknowledge that his Excellency governs by the fairest measures and freest administration of the laws we are capable of understanding, and therefore have not the least apprehension of his invading our rights and privileges” (p. 415. See also pp. 97-8, and 467).

One thing Nicholson had much at heart, in Virginia as in Maryland, and that was the cause of public education. It was by his exertions that William and Mary College in Virginia was founded in 1693; and one of his first acts in Maryland was to urge upon the Assembly the establishment of a system of free schools. The subject was considered at the session of Sept.-Oct., 1694, and subscriptions were raised, the Gov-

ernor being a liberal contributor, to defray the charge of the erection of a school-house. Letters on the subject were addressed to their Majesties, to the Archbishop of Canterbury, and to the Bishop of London, asking their approval, and a Supplicatory Act petitioning the sovereigns to sanction the establishment was passed at this session, but the text is not in our records.

It is to be regretted that the Journal of the Lower House of this important session, seems to have been lost.

At the session of May, 1695, the name of Anne Arundel Town was changed to Annapolis, in honor of the Princess Anne, heiress presumptive to the crown, the port of Oxford was named William Stadt in compliment to the King, and Prince George's county was erected and named after Prince George of Denmark. In the same year work was begun on the new State-house at Annapolis, Casparus Augustine Herrman, son of the patriarch of Bohemia Manor, taking the contract.

At the October session an Act was passed imposing a duty on furs exported, the proceeds to be applied for the maintenance of a free school or schools.

At the session of July, 1696, an Act was passed establishing at Anne Arundel Town, a free school, to be called King William's School, of which the Archbishop of Canterbury was to be Chancellor, and the control of which was to be vested in a Board of Trustees. For its support a sum of £120 per annum was allotted, and when the funds in the hands of the trustees should exceed this amount they were to take steps toward the erection of another at Oxford, Talbot Co. They also passed an Act for establishing the Church of England in the Province, repealing the Acts of 1692 and 1695, and laying a tax of 40 lb. of tobacco per poll on every taxable for the support of the ministry.

It is perhaps worth noting that at this session Dinah (or Diana) Nuthead applied for and apparently received, a license to print. This must have been the public printing, though not explicitly so stated. She was probably the widow of William Nuthead, who did the public printing 1686-1693. At the next session William Bladen was appointed public printer.

The first matter of importance that occupied the attention of the next session was the case of the notorious John Coode. This person, an apostate clergyman of flagitious life and conversation had been elected a burgess. He had been one of the leading spirits in the conspiracy that overthrew the Proprietary government, and had acquired such influence with the people that in spite of his notorious depravity, and in

spite of the fact that he was in holy orders (though he had repudiated them) he had sat in several previous sessions of the Assembly. Governor Nicholson was resolved that this scandal should cease; and taking his ground upon the law which made a priest ineligible (in fact, with this exception, no clergyman had ever sat in the Assembly) refused to swear him in. The Burgesses contended that they were the sole judges of the eligibility of their own members. Nicholson pointed out to them that while they were indeed the sole judges whether any one of their members was duly elected, they had no power to qualify a person legally disqualified; that though Coode might consider that he had repudiated his own orders, yet that they were indelible except by the power which had conferred them; and furthermore, that the Burgesses themselves knew the man's whole life and conversation to be "so heinously flagitious and wicked as scarce to be paralleled in the Province." He concluded by calling the whole House before him and curtly telling them: "Gentlemen, I do acquaint you that I shall not swear that person, notwithstanding your vote." The Burgesses thus rebuked seem to have become ashamed of themselves, and dropped Coode, who lived to turn his envenomed hate against Nicholson, and to contribute the most disgusting pages to the criminal records of the Province.

In the session of Sept.-Oct., 1696, William Bladen Clerk of the House, applied for and received license to do the public printing, he furnishing a press and types at his own cost.

Though Maryland was fairly prosperous under Nicholson's administration, yet the state of affairs was not entirely satisfactory. Nearly all the land was given up to tobacco, and the best soils were now worn out. Outside of tobacco, scarce anything was exported: some furs and sassafras root to England, and insignificant quantities of beef, pork, pipe staves and timber to Barbadoes and New England.

Several of the original journals have been ravaged by damp and insects, and here, as in previous volumes, brackets indicate that the inclosed words have been supplied from a later copy. From the original journal of the Upper House, Session of May-June, 1697, the first four pages have been torn away, and the text is taken from a later copy.

NOTES.

Page 173, line 21. "Goldsmith" should be "Goldsborough."

Page 194, line 21. "Inne" should be "since."

Page 197, line 15. "1691" should be "1694."

Page 197, line 20. "Caroline County" must be an error of the scribe.

Page 201, line 21. "alkimy spoons." The name "alchymy" was formerly given to various alloys resembling gold or silver.

Page 227, line 11. "Presidential," *i. e.* "precedential"—taking precedence of other business.

Page 364, line 42. "processioning." This custom, for preserving the memory of ancient boundaries, is still retained in some parts of England. A description is given in Chambers's *Book of Days*.

Page 415, line 25. The copyist of L. H. J., on which we have had to rely to fill up gaps made by damp and insects in the original, is not to be trusted implicitly. In several cases he has supplied words conjecturally. Here he has: "We have, with our members and committees uniting, considered." We have taken the true text from U. H. J. (see p. 395), which reads: "We have with our utmost care and scrutiny considered." The later copyist mistook the remaining fragment of the word "scrutiny" for "uniting," and made up a phrase to fit. So in the names of members he is often wrong: thus on p. 403 "Edward Hill" should be "Richard Hill," and "Col. John Hutchins" is a mistake.

Page 425, line 46. "Supplementary" should be "supplicatory." See p. 78, l. 43.

Page 442, line 20. "winter" should be "water." See p. 485, l. 16.

Page 569, line 11. "Toting." This early occurrence of this word is perhaps worth noting.

Page 594, lines 17-24. Some words seem to have been omitted in the text.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

*At a Session held at St. Mary's, September 20 to
September 26, 1693*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

SIR EDMUND ANDROS,
Governor ad interim.

THE LOWER HOUSE OF ASSEMBLY.

[In] the Reigne of our Sou'aigne Lord & [Lady William Original
and Mary] King & Queen of England &c. Annoq Domini: Journal.
1693. p. 1

Maryland ss.

The House of Assembly (pursueant to his Ex^{ncie} the Gouverno^r Order) haveing Adjourned on the 9th day of June in the yeare of our Lord 1692, untill the 20th day of October then next Ensueing, were afterwards by their Maj^{ties} Proclamacōn from time to time prorogued untill the 13th day of October in the yeare of our Lord 1693: And now by their Maj^{ties} Speciall Sumons beareing date day of August 1693: were Called to meet & appeare at the Citty of S^t Maries the 20th day of September aboue Recited, being Wednesday, where being mett, M^r Speaker with the rest of the members went downe to the State house, where they seuerally in Order tooke their places.

M^r Speaker Ord^{rs} the house to be Called ouer, which was accordingly done in manner following, Viz^t

ffor S ^t Maryes Citty	}	ffor Baltemore County	}
Edward Wynne Esq ^r		M ^r George Ashman	
M ^r Robert Mason		M ^r Edward Boothby	
	M ^r ffrancis Watkins		
		M ^r Thomas Staley	

ffor S ^t Maryes County	}	ffor Talbot County	}
M ^r Kenelm Cheseldyn		M ^r Robert Smith	
Maj ^r John Cambell		M ^r William ffinney	
M ^r Philip Clarke		M ^r Hugh Sherwood	
M ^r John Watson		M ^r Thomas Robins	

ffor Kent County	}	ffor Sum ^r sett County	}
M ^r William Harris		Cap ^t William Whit-	
M ^r Hans Hanson		tington	
M ^r Elias King		M ^r Roger Woolford	
M ^r Sam ^l Wheeler		M ^r John Bosman	
		M ^r Lazarus Maddux	

Original ffor Ann Arrundell County
Journal.

M^r John Hamond
M^r Henry Ridgley
M^r James Sanders
M^r John Dorsey

ffor Dorchest^r County

Maj^r Henry Tripp
Doct^r John Brookes
M^r Thomas Ennalls
M^r Edward Pinder

ffor Calvert County

M^r Thomas Greenfield
M^r Thomas Tasker
M^r Henry Mitchell
M^r John Bigger

ffor Cæcill County

M^r Edward Jones
M^r James Wrouth
M^r Thomas Theakston
M^r Robert Crooke.

ffor Charles County

M^r William Dent
M^r Henry Hawkins
Maj^r James Smallwood
Cap^t Philip Hoskins

Upon the Calling ouer the Same were found to be absent
these following Members viz^t Edward Wynne Esq^r Dec^d M^r
Robert Mason High Sherriffe of S^t Maryes County,
p. 2 M^r Henry Thomas Staley, M^r Robert Smith, M^r
Thomas Robins, Doct^r John Brookes dec^d M^r Thomas Ennalls
M^r Edward Pindar dec^d And all Cæcill County Delegates.

Ordered that M^r Speaker give his Warrant to the Secretary
according to form^r Custome, for the issueing forth of New
Writts of Election in the Roome & Stead of M^r Edward
Wynne, Doct^r John Brookes, & M^r Edward Pindar, deceased,
as likewise of M^r Robert Mason high Sherriffe of S^t Maryes
County.

This house being advised by some members of their owne
concerning the Death of the Gouern^r did thereupon Ord^r Cap^t
W^m Whittington & Maj^r Henry Tripp to goe to the Councill
& Signifye to them that they were mett according to their
Maj^{ties} Sumons & to desire they would be pleased to make
knowne, if they had any Business to Impart to this house.

M^r William Dent makes his Appearance in the house

The house adjournes for halfe an houre

The house again mett & were present as before. Cap^t
Whittington, & Maj^r Tripp Returne & say that they delivered
their Message to three of the Councill at the house which was
Coll Diggs's whoe returned for answer that they were not
then a Councill, but did intend to sitt the next morning and

then they should be ready to Receive any Message from the house. Original Journal.

The house Adjournes till to Morrow Morning Nine of the Clock.

Thursday September the 21th 1693.

The house again mett & were called ouer and were Absent these following Memb^{rs} viz^t the two Citty Delegates together wth M^r Harris, M^r Tasker M^r Ashman M^r Smith, M^r Robins, Maj^r Tripp M^r Ennalls, M^r Brookes, M^r Pindar and all Cæcill County Delegates.

fformer Rules of the house Ordered to be sett up w^{ch} was accordingly done.

M^r Greenfield & Cap^t Whittington sent to the Councill to Signifye to their Hono^{rs} that the house was again Satt, And that if they had any business to impart unto them they would be pleased to make knowne the same by the s^d Messingers.

The said Messingers Returne & say that they were wth the Councill at the Great house, where the Gouvernor Lately lived, to whome they delivered the Message given them in charge, And that the Councills answer to the same was, that they Expected the house there this Morning.

Moued by a Member of this house on behalfe of M^r Cleybourne Lomax, & M^r John Spratt, Viz^t That the house would be pleased to imploy them as Clks upon Co^mittees dureing this Assembly, being persons well qualified for the Same, and thereupon they were accepted off, for the said Service soe soone as Co^mittees are appointed to goe forth.

Message from the Councill by Coll Hutchins & M^r Tench, whoe say they were sent to acquaint this house that the Councill desired they would give them a meeting at the Great house in their private capacity, but not as a house.

Putt to the Question whether the house shall Treat wth any p. 3 of their Maj^{ties} Councill about the affaires of this Province in a private Capacity or noe, And voted Nemine Contradicente, in the Negative.

Debated, upon the Gouverno^{rs} death whether the Kings Councill shall be desired to make knowne to this house the present Constitution of their Maj^{ties} Gouvernm^t And that the same is Consonant to their Maj^{ties} Co^mission to the End they may applye themselves to them for the True Cause of their Maj^{ties} Sum^{ons} to this Assembly.

Resolved nemine contradicente, that a Message be sent according to the purport of the aboue debate. Cap^t

Original Journal. Whittington, M^r Greenfield, M^r Bigger & M^r Hamond sent upon the said Message.

The house Adjournes for halfe an hower

The house againe mett & were p^rsent as before. The afore-said Messingers come back & say they delivered their said Message to the Councill, whoe. Returne for Answer that their Clerk is not there, And that they will consider upon it.

The house Adjournes till 5 of the Clock this Eavinging

The house again mett & were present as before M^r Thomas Tasker makes his appearance in the house.

The house adjournes till to Morrow Morning 9 of the Clock.

ffryday September the 22th 1693.

The house againe mett & were called ouer & were absent these following Members Viz^t the two Citty Delegates together wth Maj^r Camble, M^r Harris, M^r Hawkins, M^r Ashman, M^r Smith, M^r Robins, M^r Brookes, M^r Ennalls, M^r Pindar and all Cæcill County Delegates.

Then was read what was done Yesterday

Voted, Nemine contradicente, that a Comittee of Grievances goe forth Voted that a Messenger be dispatched a way to Expedite the Absent Members not yett Come to Towne, the which was done in Manner following Viz^t

By the House of Assembly Septembe the 22th 1693.

Whereas M^r Robert Smith & M^r Thomas Robins are Members of this house & Delegates for Talbot County, whoe haueing made noe appearance here according to their Maj^{ties} Sumons for the Convention of this house on the 20th instant, & haueing shewed noe Cause or Excuse for their non Appearance, therefore Sam^{ll} Withers Gent. is by this house Ordrd & Required, and you are hereby Ordrd & required upon sight hereof to Repaire to the houses of the said M^r Smith & M^r Robins & sumons them to give their Attendance in this house imediately upon Knowledge thereof as they will answer the Contrary at their perill; And when you shall Execute this Ord^r you are to make returne of the same to this house with all possible Speed.

Kenelm Cheseldyn Speaker.

To M^r Sam^{ll} Withers high
Sheriffe of Talbot County, These

M^r Ennalls one of the Delegates for Dorchester County was sent for likewise in manner afd by Warrant directed to the Sherriffe of that County.

Original
Journal.
p. 4

M^r William Harris one of the Delegates for Kent County together wth M^r Edward Jones, M^r James Wrouth, M^r Thomas Theakstone & M^r Rob^t Crooke all Delegates for Cæcill County were likewise sent for in manner afd. by warrant directed to the Sherriffe of Cæcill County.

Members appointed to goe forth as a Co^mittee to Consider of all such Griveances as should be Laid before them according to the purport of the last mencōned Vote, were as follow Viz^t

M^r Dent, Cap^t Hamond, M^r Greenfield, M^r Hoskins,
M^r Boothby & M^r Whittington.

The said Co^mittee are sent out upon their Charge.

The house adjournes for an houre.

The house againe mett & were present as before, Except the Co^mittee of Grievances.

Ord^r sent to the Clerk of the Provinciaall Office to Transmitt the Journalls imediately hither belonging to this house.

Maj^r Henry Tripp one of the members of this house acquainting the house of his goeing for England and that the Ship he was bound to goe in was now vpon Cleareing, prayed therefore the Leave of the house for his departure, which was granted him to depart the next morning.

Message from the Councill by M^r Tench to desire a Coppy of Yesterdays Votes might be sent them.

M^r Greenfield sent hither from the Co^mittee of Grievances to desire the house would be pleased to send a Justice of this County to Administer an Oath to their Clk whoe accordingly sent M^r John Watson.

The Co^mittee of Grievances sent for to the house to Advise about the last Message brought from the Councill.

M^r Watson returnes and sayes he has administred an Oath to M^r John Spratt Clerk of the said Co^mittee.

Ordrd that a message be drawne up in answer to the same w^{ch} was done as ffollows Viz^t

By the house of Assembly September the 22th 1693.

This house has herewith sent a Coppy of yesterdays Votes to your Hono^{rs} but untill they haue a full & Satisfactory answer in Relation to the same they can in noe wise Admitt of any Message in the Manner & forme Now sent.

Signed p Order
H Denton Clk Assembly.

Original Journal. Voted whether the said Message shall be onely read to the Councill & soe brought back again or noe & Carried in the Affirmative.

M^r Tasker & M^r Dorsey sent upon the said message whoe Returne & say they delivered the same in Manner & fforme Ordered by the house.

p. 5 Message from the Councill by Coll Browne to desire a Conference wth the house M^r Tasker Mitchell M^r Hanson, M^r Wheeler & M^r Ridgley sent to the Councill to Returne Answer to their them in Charge to Acquaint their Hono^{rs} That the whole house will be ready to attend vpon the said conference to Morrow Morning at the Councill Chamber betwixt seaven & Eight of the Clock.

They returne and Say they delivered their said Message.

The Co^mitte of Grievances bring in their Report and was Ordrd to be Read, which being grounded vpon the Complaint of S^t Thomas Laurence as alsoe his Co^mittm^t the same being read first, did run in these following Words Viz^t

September the 20th 1693.

M^r Speaker & Gent of the Assembly

Haueing bin su^moned about the later End of March last by a Warrant from his Ex^{ncie} (of Blessed Memory) to answer on the Sixth day of Aprill following to certaine high crimes, & misdemeanors, with which I am in the s^d warrant said to stand charged, and alsoe to reply to what Else should be Objected ag^t me on the Kings behalf, and in the meane time by a Strange anticipacō of Justice (as if I had been proued guilty of the Crimes pretended to be urged ag^t me) Suspended, & Turned out from being a Member of the Councill, and a Justice in the Provinciaall Court, And also Strictly forbidden to Execute the Office of publick Notary, (given before to M^r John LLewellin by his Ex^{ncies} Co^mission) or for the ffuture to signe any Instrument of protest, or doe any other Act relateing to that place, And in the meane time refused a Coppy of my accusation, or names of my Accusers, denyed the sight of the Councill Bookes, and a warrant to Su^mons such persons as should be necessary to my defence upon my Accusation: Notwithstanding all which discouragm^{ts} appearing the sixth day of Aprill, and attending the Councill two dayes together I was on Satterday the Eighth day of that month (Instead of seeing or heareing of any accuser or Accusation) by a Warrant ready prepared wherein noe particular Crime whatsoever was Expressed, delivered to the Sherriffe of S^t Maryes County hurried away, and by him according to the precept put into the hands of the Sherriffe of Charles County, to be

kept Close prisoner wthout Baile or Maineprize, till I should be delivered thence or otherwise disposed off by ord^r of the Councill: In the meane time I was in the sight of the *Original Journal.* Gouverno^{rs} house searcht & all papers taken from me, as if Treason had been laid to my charge, my Studdy & chambers Ransackt at the same time, and Strict orders given that I should neither write nor Receive any Lett^{rs} but what the Sherriffe should first peruse, that as I was wholly Ignorant of my Crimes, soe I might be utterly uncapable to of makeing any Complaint to his Maj^{tie} ag^t the Injustice of such proceedings: being after denyed my habeas Corpus (w^{ch} is the great security of the lives & libertyes of every English Subject) by all the Justices of the provinciall Court, both in the Court holden in May Last as also by seuerall of them upon my applicacōn to them in their particular Capacities, Refused Even by M^r John Lewellin Coppys of all Ord^{rs} of Councill w^{ch} were passed concerning me, and by my very Clk William Taylard both to my Attorney & my selfe vpon my letter to him, any Coppy of the Judgm^t of the Court given by Coll Blakiston p. 6 upon the denyall of my habeas Corpus, wherefore haveing bin now Continued a prisoner aboue five Months without any hope of remedy or redress from the Council, I appeale to you Gent. from these proceedings and ag^t all those apparent violations of Comon Right & Justice; Requesting of you in behalfe of my selfe & of the Rights & Libertyes of all the Kings good Subjects, your Judgm^t & Resolutions upon these Quæries following—ffirst:

1. Whether any person sūmōned by the Gouverno^r & Councill to answer att a day appointed to particular Crimes said to be charged upon him, can legally be comitted wthout being accused at his Appearance, or permitted to answer for him self, and

2. Whether upon such Comittment the Sherriffe of the County can, as he still does me, keep and Detaine him.

3. Whether his Crime for which he is comitted ought not particularly to be Expressed in his Comittm^t

4. Whether the Gouverno^r & Councill can Comitt any man for any Crime whatsoever to be detained till delivered or otherwise disposed off by further Order of Councill Only.

5. Whether upon allegation of any offence comitted the Subjects of this Province can be denyed their Habeas Corpus to bring them up to the next Provinciall Court to be Bayled or Tryed according to the nature of the Offence.

6. Whether a Man can be imprisoned in any other County by the laws of England then in that wherein the Crime alledg'd is supposed to be Comitted.

7. Whether the place of publick notary of this Province

Original being granted to me in the Kings patent as an appendent
Journal. Right alwise belonging to and Exercised by the Secretary,
The Gouverno^r could forbid me the Execucōn thereof or dispose
of the same by his particular Com̄ission as he hath done to
M^r John LLewellin.

M^r Speaker & Gentl^m of this Assembly I haue further to
acquaint & Inform you that I haue lately by my Lett^r to the
Hon^{ble} his Maj^{ties} Councill demanded admittance again into
their body as first Councillor appointed by his Maj^{tie} himselfe
in Case of the Gou^rno's death, to take up & Execute his said
Com̄ission by and with the Advice of his Councill of Mary-
land, till his Maj^{ties} pleasure be further knowne, And haue
expressed my desire & readiness to obey his Maj^{ties} Com̄and
as I ought to doe, But from the performing of which my duty,
I am hindred, being forceably detained by Coll Warren
Sherriffe of Charles County; And haue by the Gent of the
Hon^{ble} Councill been refused to be admitted to my right & to
doe my duty to his Maj^{tie} & this Province.

I doe therefore further Request of you Gent^l by a ffree Con-
ference to debate with them the reasons of their persisting to
Exclude me, And to come to such conclusion in this Affaire of
soe great Consequence as may best suite to his Maj^{ties} Service,
And to the peace Union and happyness of the Gouverning
powers and all the Kings good Subjects of Maryland.

I am Gentlemen with all Respect
Your very Humble Servant
Thomas Laurence

p. 7 By his Ex^{ncie} the Gouverno^r and Councill.
Maryland ss.

Whereas it hath Sufficently appeared & been made mani-
fest to this Board That S^r Thomas Laurence Barronett is
Guilty of seuerall high Crimes and Misdemeano^rs by him
done and Com̄itted, and wherewith he stands charged in the
Misfeazance of his Office, The Breach of his Oath, and the
trust reposed in him, The Open violation of the Knowne
Laws & Statutes of the Kingdom of England, The Betraying
of their Maj^{ties} Interest & Soueraigne Authority here Legally
Established associateing & confederating with, Countenancing,
Aiding, Cherishing and Abetting their Open & professed as
well as private & secret Enemies, contrary to the peace of our
Soueraigne Lord & Lady the King & Queen their Crowne
and Dignity, And tending to the disturbance of their Maj^{ties}
good Subjects the Inhabitants of this Province, and to divert
them from their due & Naturall Loue & affection true faith &
allegiance to their Maj^{ties} and alsoe to deceive and defraud
them of their Just rights and Properties.

These are therefore in their Majties Name to will & require, as also to Charge & Comānd you, Robert Mason Gent high Sherriffe of S^t Maryes County or your Deputy forth with to Apprehend & take into your Custody the Body of the said S^t Thomas Laurence if he shall be found in your Baliwick and him Safe keep, soe as to haue & convey him wth all Expedition to the Sherriffe of Charles County, to whome (together wth this precept) you are to deliver him, And whoe is hereby Straightly charged & Comāded to receive & take him into his care & Charge, And him in safe secure & Close Custody keep, without Bayle or Maineprize, untill he shall thence be delivered or otherwise disposed of by order of this Board, Whereof let there be no faile at perill and for soe doeing this shall be a Sufficient Warrant, Dated at Councill Board this Eighth day of Aprill Anno Dom 1693: in the ffifth yeare of the Reigne of our Sou'aigne Lord & Lady King William & Queen Mary &c.

Original
Journal.

Signed p Ord^r

John LLewellin Clk Councill

This is a true Coppy of the Comittm^t
according to the Originall

Tho Laurence.

Then was read the Journall & Report of the aforemencōned Comittee upon the same which was as follows (Viz^t)

September the 22th 1693

Att a Comittēe of Grievances appointed by the house of Assembly mett att the upper Chamber of the State house.

Mr William Dent	}	Cap ^t Philip Hoskins
Cap ^t John Hamond		Mr Edward Boothby
M ^s Thomas Greenfield		Cap ^t William Whittington

The Comittēe appointed By the house.

John Spratt appointed Clk of this Comittēe
Mr William Dent chosen Chaireman
The Comittee Adjournes for halfe an houre.

The Comittēe mett again present as before.

Voted by the Comittēe that in Case of any of the Members absence, three of the members wth the Chaireman bee a Comittēe.

p. 8

The Comittēe proceeds to read the Complaints of S^t Thomas Laurence presented to the house of Assembly and by them referred to this Comittēe, And upon reading the first quære the Comittēe being desirous to receive satisfaction of the

Original Journal. Truth of the said Complaint, Cap^t Hoskins is sent to M^r Mason High Sherriffe of this County to require his appearance here.

M^r Hoskins returnes and M^r Mason appeares before the Comittee.

And upon debateing the first Quære exhibited by the s^d S^r Thomas & haueing received from M^r Mason Satisfaction of the Truth of the same doe unanimously agree & report that the Summoning the said S^r Thomas to appeare & answer to Certaine Crimes and upon his appeareance comitting him Close prisoner is an absolute Violation of the liberties & priviledges of the Kings Subjects and derogation to their Maj^{ties} Courts of Justice and ag^t the Tenor of the Statute of the 25th of Edward the 3^d.

Upon reading the second quære of agrievance this Comittee are of Opinion that as the Comittm^t was unlawfull soe was the detainer but not Absolutely in the Sherriffe he being a Servant bound by his place & Oath to Execute all precepts process &c: And it appeares to us the said Sherriffe had a precept &c.

To the third quære this Comittee haue Examined the Warrant, w^{ch} is affirmed by M^r Mason to the best of his knowledge to be a True Coppy by which the s^d S^r Thomas was Comitted, And therein wee find seu^rall Genall Charges but noe one particular Charge Exprest, for want of such particular Charge the warrant was unlawfull which ought to Containe a particular Charge, as in Chambers case & Magna Carta.

Upon Reading the fourth quære this Comittee doe resolve that the Gouverno^r & Councill cannot Legally comitt any person to be detained or otherwise disposed off by ord^r of Councill, but that it is the liberty of the Subject to be delivered according to Course of Law, & that such Comittm^t was Contrary to the Course of Law, and of manifest Violation to the Subjects libertyes & priviledges Quære Magna Carta Cap: 29.

To the fffth quære This Comittee are of Opinion that the Subject of this Province ought not to be denied but to haue their habeas Corpus granted them according to Law, the denyall of which is the Oppression to the Subject & Contrary to the Stat 16: K: C. 1: Cap: 10th.

To the sixth quære this Comittee are of opinion that any person may be imprisoned in any other County then the County where the Supposed fact comitted, if taken flyeing or other wise escaped into another County, but if taken where the supposed fact comitted ought not to be imprisoned in any other County, but where the Supposed fact Comitted, or Taken.

To the Seaventh quære Cap^t Hoskins is sent to S^r Thomas Original Journal.
to desire his hono^{rs} appearance here.

Ordrd by the Co^mitte that the Clerke of this Co^mitte haue
an oath of Secrecy & ffaithfullness given him, and to that pur-
pose M^r Greenfield is sent to the Speaker to deire M^r Watson p. 9
being a Justice of this County to Administ^r the Oath. The
af^d Clk has received the Oath of Secrecy & ffaithfullness from
the said M^r Watson.

Maj^r Smallwood informed the Co^mittee from the Speaker
that they must Repaire to the house, whither they Imediately
repaired.

The Co^mittee returned from the house.

Cap^t Hoskins returned wth the Hon^{ble} S^r Thomas Laurence.

Upon the said Seaventh quære this Co^mittee report that
they haue perused the patent granted by their Maj^{ties} to the
Secretary of this Province whereby together with what wee
are inform'd wee are induced to beleive that the Notaryship
may belong to the Secretary but for the more certainty thereof
this Co^mittee referr the house to the Act of Assembly for
Setlem^t of Officers ffees

John Spratt Clk Co^mittee

The Co^mittee adjourne till to Morrow Morning Nine of the
Clock.

The which being read the house proceed to Examine the
same gradually and soe accordingly give their Opinion &

Upon the reading the first quære in the said Lett^r Specified,
Voted wheth^r the same was a Legall Co^mittm^t or noe, and
carryed, nemine contradicente to be an illegall Co^mittm^t

Upon reading the second quære the house agree wth the
Report of the Co^mittee.

Upon reading the third quære the house agree wth the report
of the Co^mittee.

Upon reading the ffifth quære together wth the Coppy
aforementioned the house agree wth the Report of the
Co^mittee

Upon reading the Sixth quære the house agree wth the
Report of the Co^mittee.

Upon reading the Seaventh quære the house are of opinion
that the Gouverno^r Could not dispose of the Notary publicks
place ag^t the Kings pattent And that this was by the Kings
Pattent confirmed unto S^r Thomas Laurence as Secretary.

Upon the whole Matter Voted Nemine contradicente, that

Original the Comittm^t of S^r Thomas Laurence beareing date the Eighth
Journal. day of Aprill last is an illegall Comittm^t And that the said
S^r Thomas Laurence ought to be discharged & sett at Large.

The house adjournes till to Morrow Morning Nine of the Clock.

Saturday September 23th 1693.

The house again mett & were called ouer & were Absent these following Members Viz^t Two Citty Delegates together wth M^r Harris, M^r Ashman, M^r Smith, M^r ffinney M^r Robins, M^r Tripp, Doct^r Brookes, M^r Ennalls, M^r Pinder, and all Cæcill County Delegates, Then was read ouer what was done Yesterday.

The house Resolve themselves into a Grand Comitte to goe upon the Conference yesterday appointed and doe Ord^r & constitute M^r Kenelm Cheseldyne, Chaireman of the same

The said Comitte returne to the State house, where M^r Speaker reasumeing the Chaire, Signified to the house that the Councill had acquainted him wth their Receipt of a Lett^r from S^r Edmond Andros w^{ch} specified his haueing a Comission for the Gouvernm^t in Case of Gouverno^r Copleys death and therefore though the Conference need less & withall desired the Speaker to make known [the same to the house]

Debated whether the Conference shall goe on or noe, & Voted accordingly & carryed in the Affirmative.

Ordered that a Message be drawne up & sent to the said End and purpose, which was done as follows, Viz^t

By the house of Assembly September the 23th 1693:

Upon M^r Speakers makeing Report to the house of S^r Edmund Andros's Comission to succeed in the Gouvernm^t in Case of Gouverno^r Copleyes death the house are notwithstanding desirous to goe on in the Conference this morning appointed for Satisfaction of the legality of their power according to the Kings Comission & was likewise so voted by the house.

Signed p Ord^r

Hen Denton Clk Assembly.

M^r Dent, M^r Whittington &
M^r Mitchell sent upon the said
Message.

They returne back & say that they delivered their said Message, & that the Councill Acquainted them they would Enter-taine the said Conference on Munday Morning by Eight of the Clock.

The Committee of Grievances goe out upon their Charge. Original
The house Adjournes for halfe an houre. Journal.

- The house again mett & were present as before.

The Committee of Grievances bring in their further Report to the house which being grounded upon the petition & Complainte of Coll Jowles the same being first read did run in these following words Viz^t

To the Hon^{ble} the Lower house of Assembly.

The Humble petition of Coll Henry Jowles
Sheweth

That your petitioner in the month of Aprill last past was sent for by an Ord^r of Gouverno^r and Councill to make his Immediate appearance before them, there to answer such matters & things as should be Objected ag^t him, where to his great Charge, Expence & trouble, he was forced to wayte & attend ffive dayes before he could know what they had to allegde ag^t him, at last being called to answer, they had nothing to Object ag^t him but a lett^r he had writ to the Hon^{ble} S^r Thomas Laurence upon his being carryed to prison, a Coppy whereof for your Hon^{rs} better Satisfaction is here Enclosed; for w^{ch} Lett^r (though there was nothing in it but what Comon Civillity might Obleidge him or any man to write) he was compelled imediatly to giue them Bond wth good security of a Thousand pds St^{rl} for his good behaviour or Else goe to prison, This y^r pet^r did pforme, & hoped then he might be at quiett but about the 25th of August last past came another Order of Gouverno^r & Councill to Cap^t John Bigger to Take your pet^r into Custody & him to safe keepe till he finde good security of a Nother Thousand pounds St^{rl} for his good behaviour & to make his personall appeareance at the next provinciall Court there to answer unto such things as should be Objected ag^t him on behalfe of their Maj^{ties} in generall Termes w^{thout} mentioning any particular Matter which ought to haue p. 11
been Incerted, This likewise your Pet^r was Compelled to give, & did give rather then lye in prison, And last of all since the death of the Gouverno^r upon the 14th day of September Cap^t Keech wth his Lieutenant came to your pet^{rs} house and apprehended him by an Ord^r from Coll Ninian Beale which was in pursuance of an Ord^r of Councill to Carry him to his owne house & clap a safe Guard ouer him (without Expressing one word or tittle for what.) upon which your pet^r utterly refused to yeild any Obedience to it, and by that meanes wth much Truble has made a Shift to preserve his Liberty by keeping out of the way till he might haue the happiness and ffreedom of Addressing himselfe to this hon^{ble} house

Original of Assembly, Thus has your pet^r been most unworthily &
Journal. Ungratefully requited for the Service he had done his Maj^{tie}
in the late Revolution which notwithstanding the King him-
selfe was graciously pleased soe farr to Accept off, as to make
y^r pet^r one of his Hon^{ble} Councill & to place him in the very
first Ranke of them, out of which also they haue most Mali-
ciously & Injuriously remoued him without any cause, and
contrary to the Great Charter of England, which hath provided
that noe ffreeman shall be destroyed or Condemned but by
Lawfull Judgm^t of his peeres, and even then to be Amerced
or punished according to the quantity & Quality of his offence
as appeares by the 9th H: 3 C. 14: By all w^{ch} it is most
apparent, They haue contrived & to the utmost of their power
doe Endeavour the Utter Ruine & destruction of the pet^r &
his posterity.

Wherefore y^r pet^r humbly prayes this hon^{ble} house of
Assembly that they will please to take his case into their
serious & Judicious Consideracōns to protect him from any
violence may be offered him whilst he is makeing this his
Just Complaint and that you will please to Ord^r his accusers
(if any) to lay their Accusations open before your Hon^{rs} &
upon due Examinacōn if it shall appeare that he has done
any thing not Justifyable or unworthy that trust & confidence
his Maj^{tie} Reposed in him, that he may then suffer according
to his demeritts otherwise that he may be cleared & acquitted
of his Bonds afd. And be again restored to those places of
Trust & Hon^r their Maj^{ties} were pleased to Conferr upon
him &

As in Duty bound he shall Ever pray &c.

Afterward was Ordered the ffollowing Lett^r to be Read.

Honrd S^r

Coppy of Coll I haue been under a great dissatisfaction euer
Jowles Letter to since my Last Visitt, w^{ch} was rendred so fruite-
Sr Tho. Laurence less & Impertinent by that watchfull surly old
Cerberus y^r Guardian, that I could not haue the Oppertunity
so much as to Enquire into the Causes of your Calamity nor
offer y^r Hon^r the Civility of my Assistance in any thing
wherein I might be Serviceable: wee read that in the Reignes
of some of the Cæsars (Tyrants) to shew any kindness or
respect, nay to be of a known familiarity with a person pro-
scribed, was Crime Sufficient to bring a man vnder the same
proscription; But I hope it is not soe now, These are surely
dayes of more Christian Liberty, & in this Confidence I haue
sent my Sonn in law to wayte on your hon^r wth the Tender of

my respects & Service w^{ch} I had not before the Oppertunity to Offer, but hope this paper may finde a greater ffreedom, The world is amazed at y^r misfortunes and divers Enquire of me the cause of it, but I am able to resolve them nothing though I wish I knew better for my owne Satisfaction, w^{ch} I humbly begg your hon^r if it be not Impertinent, In the meane time I doe dayly wish & pray for your Enlargment, or if that cannot be, at least for a more comfortable Confinem^t then that hole,

Original
Journal.

p. 12

& Aer, w^{ch} if you stay hott weather I feare would much prejudice your health If I can any wayes serve your Hon^r I beseech you be pleased to lett me receive your Comānds by this bearer & you will highly oblidge

Honrd Sr

Your most Humble & ffaithfull Serv^t

Aprill 21th 1693

Hen Jowles

Vera Copia.

Then was read the Journall & Report of the Comītee thereupon as follows Viz^t

Saturday September the 23th 1693.

The Comītee mett againe at the place afd all the Members being p^rsent

Then was read what was done yesterday.

Cap^t Whittington is sent for Coll Jowles.

Cap^t Whittington returnes with Coll Jowles.

The Comītee proceeds to read the Complaint of Coll Jowles who likewise appeares before them And Cap^t Bigger came likewise whoe informed this Comītee that some time in the Month of September by vertue of an Ord^r of Councill of a former date he did take Bond of the said Coll Jowles to answer at the next Provinciaall Court to what should be Objected ag^t him in Generall termes wthout any particular Crimes alleadged, And he beleives the bond to be taken according to the said Tennor of Ord^r of Councill, And for further Satisfaction to the Comītee they sent Cap^t Whittington for M^r Lewellin, Cap^t Whittington returnes wth M^r LLewellin.

Who being Likewise Examined acquaints the Comītee that by vertue of an Ord^r of Councill he did Take bond of Coll Jowles as is in the first part of the peticon mentioned, that he does not know of any other particular cause then the said Lett^r of which he beleives this to be a True Coppy that the Tenor of the said Bond was to be of his good behaviour & answerable when Required.

The Sence of this Comītee is that the first Bond not shewing what he was bound for, nor when nor where to appeare,

Original Journal. And the second Bond being taken wthout makeing appeare or Expressing either the breach of the first or any Crime Collaterall to it they were both illegally & Unjustly extorted from the Pet^r an invasion of the Subjects rights & priviledges in this wee unanimously agree on ; as to the last part of the petition wee conceive it does not ly properly before us, The Pet^r being left to his remedy at Law.

John Spratt Clk Co^mittee

Co^mittee adjournes till Munday Morning 9: of the Clocke.

Upon the said Report being read, the house Unanimously agree wth the Report of the said Co^mittee and are of the same opinion.

Moued by a member of the house whether it be not a Grievance to the Subject & in Derogation of the Co^mon Law for the Chancello^r to grant an Injunction or give a decree in any cause Contrary to the matter of fact found by a Jury & the matter of Law adjudged by a Court of Co^mon Law in this Province, Especially the Provincia^l Court. The same was referred by the house till further Considerac^on

The house adjournes till Munday Morning nine of the Clock

p. 13

Munday September the 25th 1693.

The house again mett and were called over & were absent these following Members Viz^t the two Citty Delegates together wth Maj^r Camble, M^r Clarke M^r Watson, M^r Mitchell, M^r Ashman, M^r Boothby, M^r Smith, M^r ffinney M^r Robins, all Dorchester County Delegates, and M^r Crooke.

Then was Read ouer what was done on Saturday. M^r Dent & M^r Whittington sent to the Councill to Signifye to their Hon^{rs} that the house is ready to Enter upon the Conference this day appointed and agreed upon.

Moued by a member of the house that the Councill may be sent to, to desire their hono^{rs} would be pleased to Remitt hither their Maj^{ties} Instructions relateing to the Constitucon of the Governm^t for the peruseall of this house, and voted Accordingly & carryed in the Affirmative.

Maj^r Cambell appeares in the house.

The Messengers Returne & say they delivered their said Message to the Councill whoe for Answer returne that they will send the house notice when they are ready for the Conference.

Moued by a member of this house on behalfe of Coll Jowles concerning a Bond of the said Coll. Jowles's passed by him to their Maj^{ties} & now lyes Lodged in Cap^t Biggers hands, therefore thinks it proper that the same may be delivered up into the hands of the Clk of this house, there to Remaine till further Ord^r from this house, the takeing the said Bond being already Voted to be illegally Extorted;

Original
Journal.

And there vpon putt to the Vote whether the same shall be delivered up accordingly or noe, & carryed in the Affirmative; And the said Cap^t Bigger did thereupon deliver up the same to the Clk. aforesaid. Putt to the Vote whether the motion on Saturday made concerning the Chancello^{rs} granting an Injunction after a Verdict of Twelve men & Judgm^s given thereon, be a Grievance or noe, and Carryed Nemine contradicente in the Affirmatiue.

Coll Hutchins comes from the Councill & Sayes they are ready to Admitt the house to the Conference. The house thereupon resolute themselves into a Grand Com^{it}tee & Choose M^r Cheseldyne Chaireman thereof & soe goe up upon the said Conference. The Gouverno^r of Virginia coming in the Interim Occasioned the s^d Conference to be deferred, and thereupon they repaired to the State house againe, where M^r Speaker Reassume the Chaire.

The house Adjournes till to Morrow Morning Nine of the Clock.

Tuesday September the 26th 1693:

The house again mett & were called ouer & were absent these following Memb^{rs} Viz^t Two Citty Delegates together wth M^r Watson, M^r Ashman, M^r Smith M^r ffinney M^r Robins, all Dorchester County Delegates & M^r Crooke.

Then was read ouer what was done Yesterday.

Ordered that a Message be drawne up to the Hon^{ble} the Secretary which was done as follows Viz

By the house of Assembly Septemb^r the 26th 1693.

p. 14

Ordered that Cap^t William Whittington goe and Desire his Hono^r the Secretary for to send the Booke of Laws together wth the Originall Bills corrected & passed the last Assembly for the peruseall of this house.

Signed p Ord^r
H Denton Clk Assembly.

Original Journal. M^r Dorsey sent along with Cap^t Whittington upon the said Message M^r Dent, M^r Hamond, M^r Tasker, M^r Jones, M^r Harris, & M^r Greenfield sent up to the Councill to desire an Answer to the former vote of this house concerning the Constitution of the Gouvernm^t whereof their Hono^{rs} haue had already a Coppy.

Then was Read the following petition.

To the Hon^{ble} the house of Assembly now Sitting.

The humble petition of Garret V: sweringen Sheweth

That your Pet^r has engaged himselfe for Divers Sumes of Money & past Bills of Exchange for Liquors & provisions for the Supply of the Countrey this present Assembly; and unless he had so done he could not be fitted to Accomodate your hono^{rs} at this present, & Notwithstanding all, was forc^t to giue great rates, as is very well knowne, almost double what they were a yeare agoe.

And now your pet^r must sell for tobacco w^{ch} y^r Hono^{rs} well knowes the vallue off; soe that if rates be not altered from what they were last Sett, y^r Pet^r will absolutely be a great looser, & neuer be able to discharge himselfe from his Money Obligacons he has run himselfe into, to Serve the Countrey as aforesaid.

Y^r pet^r therefore humbly prayes that your hono^{rs} would take his present Condi^cōn into your serious Consideracon and that you would be pleased to Sett the rates that there be noe future trouble about altering accompts but that your pet^r may send them in compleat at once, also that your Hon^{rs} would consider that he is a great looser at 10: pds of tobacco a meale & alter it as you in your wisdom shall thinke reasonable.

And he shall Ever pray &c.

The same was referred for further Consideration. Cap^t Whittington & M^r Dorsey Returne & say that the Secretary has Ordered his Clk: to bring hither the Booke of Laws for their peruseall but as to the Originall Bills he sayes he can give noe acco^t thereof.

M^r Dent & the rest of the Messingers sent to the Councill returne and say they delivered their Message in Charge given them.

Message from the Councill by M^r Tench which was Expressed in the words following Viz^t that his Excellency Comānds the members of this hon^{ble} house to Attend him at the Councill Chamber Immediately.

p. 15 M^r Speaker thereupon together with the rest of the houses Members goe up to the Council Chamber accordingly, where being admitted,

His Ex^{ncie} was pleased to acquaint them that their Maj^{ties} Original
had Comitted the Care of the Gouvernm^t (in the absence of Journal.
Coll ffrancis Nicholson) unto him ; and that thereupon he had
Continued all Officers Military and Civill in their former
Station, untill further Order the which he had Signified by his
proclamation and Beat of Drum ; his Ex^{ncie} likewise Express-
ing himselfe to be glad to see so many Gentlemen together
that had been instrumentall in the Makeing soe many good
Laws in this Province, but with all Told them that he had noe
further Occasion of their present Assistance, therefore he
declared that in their Maj^{ties} Names he did dissolve them, And
that accordingly they were dissolved.

ffinis

H Denton Clk Assembly.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

*At a Session held at St. Mary's September 20 to
October 18, 1694.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

FRANCIS NICHOLSON,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

At a Councill held at the Councill Chamber in a Gen^l Original
Assembly Convened at the Citty of Sn^t Maries the 20th day of Journal.
September in the Sixth yeare of the Reigne of our Sovereigne p. 1
Lord & Lady King William & Queen Mary &c^a Anno Dom.
1694 being Thursday.

Present

His Ex^{ncy} ffrancis Nicholson Esq^r
S^r Thomas Laurence Baron^t Secretary } Coll David Brown
Coll Henry Jowles }
Coll George Robotham } Thomas Brooke Esq^r
Coll Nicholas Greenberry }

Appeared alsoe the Hono^{ble} Coll Charles Hutchins one of
their Maj^{ties} Councill appointed whoe had Administred unto
him the Oathes appointed by Act of Parliament instead of the
Oathes of Allegiance & Supremacy as likewise the Oath of
Councill^r as alsoe Subscribed to the Test, not being afore
sworn.

Petition of the Major part of the ffreeholders & ffreemen of
Kent County on behalfe of M^r William Harris & M^r Thomas
Piner against M^r Hans Hanson & M^r Thomas Smith whoe
they Alledge are illegally chosen & Returned to serve as
Delegates for the said County in the Roome & stead of the
said Harris and Piner, The said petition being subscribed to
by 52 persons. Ordered that the said petition be Referred
to the house of Assembly to be inquired into & Redressed
according as they shall finde the Truth of the Matter appeare.
Sent the 22^d of Septemb^r 1694.

Indentures of the Election of Burgesses being Returned
according to Act of Assembly Viz^t ffour for every County
& two for the Citty of Sn^t Maries, Ordered that the same be
Delivered to the Hono^{ble} Coll Henry Jowles [Keeper] of the
Seale

His Hono^r Cap^t John Courts appeares at the board
Indentures already returned Viz^t

Dorchester County	} Kent County	} Sn ^t Maryes County		
Charles County			} Somersett County	} Calvert County
Baltimore County				

His Ex^{ncy} proposeing to the Board in whom the Right of p. 2
Chooseing a Clerke for the house of Burgesses laye, Was

Original
Journal. answered that there was once a Contest about the same in my Lord Baltmores time, but that my Lord did appoint them a Clerke at that time, His Ex^{ncy} therevpon did desire them to inquire and advize whoe might be a fit person to Execute that Trust as likewise Give Notice to the Members of the house of Burgesses now in Towne that when they meet together & haue perused their Writts of Ellection they send to this Board to make knowne their being mett in Obedience to their Maj^{ties} Writts of Election & that some persons from this Board may be Authorized to Administer the Usual Oathes appointed by Act of Parliament instead of the Oathes of Allegiance & Supremacy, & Test unto the severall members thereof, & Likewise to acquaint them that if the Burgesses are not all Come to Towne he would have them deferr choosieing a Speaker till there is a full house, that the same may be done in a faire manner to the likeing of the maj^r part of the house his Ex^{ncy} being willing to stay a day longer, for that End & purpose.

In Reading ouer the Journall of the house of Assembly held in September last the following Clauses therein Contained were Ordered to be taken Notice off & inserted in this Journall Viz^t

Saturday September the 23th 1693:

The house Resolve themselves into a Grand Comitte to goe upon the Conference yesterday appointed & doe Order & Constitute M^r Kenelm Cheseldyn Chaireman thereof, The said Comitte returne to the State house where M^r Speaker reassumeing the Chaire Signyfyed to the house that the Councill had acquainted him with their Receipt of a Lett^r from S^r Edmond Andros which Specified his haveing a Comission for the Govern^t in case of Governor Copleys death and therefore thought the Conference needless & withall desired the speaker to Make knowne the same to the house.

Debated whether the Conference shall goe on or noe, & Voted accordingly & Carried in the Affirmative.

Ordered that a Message be drawne Up & sent to the said End & purpose, which was Done as follows Viz^t

p. 3 By the house of Assembly September 23th 1693.

Vpon M^r Speakers Makeing Report to the house of S^r Edmond Andross Comission to succeed in the Governm^t in case of Gov^r Copleys death the house are notwithstanding desirous to goe on in the Conference this Morning appointed for Satisfaction of the Legality of their power according to the Kings Comission & was likewise soe Voted by the house

Signed p Ord^r

H Denton Clk Assembly.

Mr Dent Mr Whittington & Mr Mitchell sent upon the said Message. Original Journal.

They Returne back & say that they delivered their said Message & that the Councill acquainted them they would Entertain the said Conference on Monday Morning by Eight of the Clock

Munday September 25th 1693

Mr Dent & Mr Whittington sent to the Councill to Signifye to their Hono^{rs} that the house is ready to Enter upon the Conference this day appointed & agreed upon

The Messingers Returne & say they delivered their said Message to the Councill whoe for Answer Returne that they will send the house Notice when they are ready for the Conference.

Coll Hutchins comes from the Counsell & sayes^r they are ready to Admitt the house to the Conference.

The House thereupon Resolve themselves into a Grand Comitte^e & Choose Mr Cheseldyn Chairman thereof & soe goe up Upon the said Conference.

The Governor of Virginia comeing in the interim occasioned the said Conference to be defered, & thereupon they Repared to the State house again

Tuesday September the 26th 1693;

p. 4

Mr Dent, Mr Hamond Mr Tasker Mr Jones Mr Harris & Mr Greenfield sent up to the Councill to desire an answer to the former Vote of this house concerning the Constitution of the Governm^t whereof their hono^{rs} haue had already a Coppy.

They Returne & say they delivered their Message in Charge given them.

Message from the Councill by Mr Tench, which was Expressed in the words following Viz^t That his Ex^{ncy} Comands the Members of this Hon^{ble} House to Attend him at the Councill Chamber imediately.

Mr Speaker thereupon together with the Rest of the Houses Members goe up to the Councill Chamber accordingly, where being admitted, his Ex^{ncie} was pleased to acquaint them that their Maj^{ties} had Comitted the Care of the Governm^t (in the absence of Coll ffrancis Nicholson) Unto him; And that thereupon he had continued all Officers Military & Civill, in their former Station; Untill further Order; the which he had Signified by his proclamacōn & beat of Drume; His Ex^{ncy} likewise Expressing himselfe to be glad to see soe many Gentlemen together that had been instrumentall in the Making soe many good Laws in this Province, but withall told them that he had noe further Occasion of their present assist-

Original
Journal. ance, therefore he declared that in their Maj^{ties} Name he did dissolve them & that accordingly they were dissolved.

His Ex^{ncy} makes demand of the Board where the Letter aforementioned sent by S^r Edmond Andros was, whoe made Answer that the same was in the Custody of the then Clerk.

Ordered thereupon that the said Clerke be sent for & inquired & sworne about it & whether he has delivered up the same together with all other Councill papers & Journalls.

post Meridiem

The Councile Mett & Satt & were present as before. M^r Thomas Tench added.

p. 5 Message from the house of Burgesses by M^r William Dent M^r Rob^t Smith Cap John Hamond & M^r Edward Boothby whoe Signified to this Board that the house of Burgesses were mett pursueant to their Maj^{ties} Writt of Election to whome his Ex^{ncy} returned for answer that he would send some of the Councill lawfully Authorized downe to their house either this Evening or to Morrow Morning to sweare the severall Members of the house according to vsuall Custome & forme & Likewise the Clerke of their House.

Ordered thereupon that Comission issue Under the Great Seal to Authorize The Hon^{ble} S^r Thomas Laurence Baron^t Secretary Coll Henry Jowles Coll George Robotham & Coll Nicholas Greenberry or any three of them to Administer the Oathes appointed by Act of Parliament in stead of the Oathes of Allegiance and Supremacy & Test. Copy of their Maj^{ties} Instruction to his Ex^{ncy} relateing to the Councill & Members of the House of Assembly takeing the Oathes & Signeing to the Test sent to the House of Burgesses by the Clarke of this Board being given in Charge to Signifie that it being late in the Night they shall not haue time to sweare the Burgesses of the House but that to Morrow Morning by Tenn of the Clock his Ex^{ncy} has Appointed four of the Councill to Sweare them according to the Instruction now delivered, he Returned & says he delivered the said Message & Copy of Instruction.

M^r Dent & Messingers last sent from the house appeare again at the board and doe say that they received the Admonition sent by the Clerke but that they are not as yet a house though Sumoned to Sitt as on this day therefore did conceive that they Could not adjourne without Writt, the which his Ex^{ncy} told them should issue & did accordingly issue Under the Great Seale Signed by his Ex^{ncy} & was published by the Sherriffe of Sn^t Maries County of their being Adjourned Untill the Next Morning Tenn of the Clock.

Read two Instructions of their Maj^{ties} relateing to Bulk Tobacco & ports as alsoe two Letters from her Sacred Maj^{ties} relateing to the same being directed to the Late Govern^r Copley & another Lett^r from her Maj^{ty} directed as afo^r recommending a Supplye to be sent from this Governm^t towards the Assistance of New Yorke ag^t the ffrench &^{ca} severall other papers alsoe being read which being thought too tedious for to be here incerted to Represent in a Speech is rather left to be particularized to the house when settled for them to Consider off.

Ordered that Comission issue to Constitute Cleybourn Lomax Clerke of the House of Burgesses to pass the Lesser Seale &c. & to Runn dureing pleasure.

Religion Service of the King & interest of the Countrey, Three heads to be observed to the House in a Speech.

Proposed by his Ex^{ncy} to the Board whether or noe a publick fast and day of humiliation would be convenient to be Strictly kept & observed throughout the Province for the craveing a Blessing upon their Maj^{ties} persons & the Success of their fforces by Sea and Land as likewise to Implore a blessing upon the Endeavours of this present Assembly convened & the Uniteing all persons (where any differences have happened) into a Christian like temper & Neighbourly correspondence, to which was Answered that the same would be Very Necessary & Ordered thereupon that proclamations accordingly issue Under the Great Seale & that Wednesday next be kept by the Assembly & this Citty & Wednesday after by the Rest of the Countyes within this province & all persons strictly Enjoyed to Observe the same.

ffryday September the 21th 1694.

The Councill again Mett & Sate & were p^rsent as Yesterday wth the Addition of Coll Jn^o Addison

Comission Empowering the Gentlemen Yesterday appointed & Ordered to sweare the Delegates of the house &^{ca} being read was signed by his Ex^{ncy} & passed the Broad Seale of the province.

The said Gentl: accordingly goe to the house of Burgesses Attended by the Clerke of this Board

They Returne & say that they have duely Executed the said Comission & that the severall & Respective Burgesses did all take the said Oathes except Richard Johns a Delegate chosen for Calvert County & John Edmondson a Delegate chosen for Talbot County whoe refused to take the said Oathes & Cap^t William Whittington of Somerset County not yet Come to Towne.

Original Journal. p. 7 The Test likewise was Subscribed to by the severall Members in Manner following.

At the City of Sn^t Maries September the 21th 1694.
Maryland ss:

Wee the Subscribers doe declare that wee doe believe that there is not any transubstantiation in the Sacrament of the Lords Supper or in the Elements of bread & Wine at or after the Consecration thereof by any person whatsoever.

Sn ^t Maryes City	Baltimore County
John Watson	Edward Boothby
Tho Waughop	John fferry
	James Maxwell
	ffrancis Watkins

Sn ^t Maryes County	Talbot County
Kenelm Cheseldyn	Henry Courcey
Robert Mason	Robert Smith
Philip Clarke	Tho: Smithson
John Bayne	

Kent County	Somerset County
William ffrisby	John Bozman
Hans Hanson	Math. Scarbrough
John Hynson	Thomas Dixon
Tho: Smith	William Whittington

Ann Arrundell County	Dorchester County
John Hammond	John Pollard
Richard Hill	Henry Hooper
Edward Dorsey	Tho: Hicks
James Sanders	Tho: Ennalls

Calvert County	Cæcill County
Thomas Greenfeild	S ^t Leger Codd
ffrancis ^{his} FH Hutchins	John Thompson
George ^{marke} Lingan	W ^m Pearce
	Casp ^r Augūs Herman

Charles County	Cleborne Lomax
Henry Hawkins	Clk of the House of Delegates.
James Smallwood	
William Hutchison	
William Dent	

Coll Hutchins & Coll Browne sent downe to the House to acquaint them that his Ex^{ncy} expects their Attendance in the Covncill Chamber presently.

Original
Journal.
p. 8

They Returne & say that the House are coming up.
They Accordingly Appeare.

His Ex^{ncy} acquaints them that he Understands that all but three had taken the Oathes & Subscribed to the Test pursuant to his Maj^{ties} Royall Instructions & as the Law directs therefore he willed them to Repare to the House again & choose their Speaker & present him to this Board & then it should be given them in Charge what to proceed upon.

Read his Ex^{ncies} Speech designed to be Spoken to the house of Burgesses w^{ch} was well approved off by the Board.

Petition of the Inhabitants Scituated upon the South Side of Patapsco River praying that they may be Rejoyned to the Covnty of Ann Arrundell as formerly they were w^{ch} being Read, Ordered that the said peticōn be sent to the house of Assembly for their consideracōn.

Petition of John Deveghe whoe prayes to be Naturalized Referred to the House.

The House of Assembly appeare again & present M^r Robert Smith to be their Speaker & Thereupon his Ex^{ncy} was pleased to Signifye to them in Manner following Viz^t

Gentlemen.

That God Almighty may bee Solemnly implored I have with the advice of their Maj^{ties} Hon^{ble} Covncill appointed a fast & day of Humiliation to be kept (& the Severall Reasons for soe doing you may see in the proclamacōn for it) And doe not Doubt but that your House will cordially observe the day appointed.

Gentlemen

I have severall things to Impart to you concerning Religion their Maj^{ties} service the good & wellfare of this province (which you may be assured their most Sacred Maj^{ties} doe & will most graciously take especiall care of) To Innumerate the severall particula^{rs} to you, I think not soe proper at this time but when you agree to have them laid before you they shall Afterwards.

The Speaker humbly desired free Access at all times to his Ex^{ncys} person with protection for himselfe & the rest of the members in all their priviledges, the which his Ex^{ncy} did Assure them off.

They desire that M^r Cleybourn Lomax may be admitted their Clerke which was Granted & Co^mmission given him at the Board Under the Lesser Seale of the province & at the

Original Journal. p. 9 same time had Administered Unto him the Oathes appointed by Act of Parliament instead of the Oathes of Allegiance & Supremacy, as also the Usual Oath of Clerke of that house & likewise subscribed to the Test the which was Signified to the house by the said Lomax whoe had Likewise Coppy of the Clerks Oath given him for Satisfaction of the House.

Post Meridiem

Read Proclamation relateing to the ffast which being Approved off by the Board was Ordered to be prepared ready to pass the seale & Authentick Coppys of the same made to be sent to the severall Counties of the province, in Order to be published.

Adjourne till to Morrow Morning Eight a Clock

September 22th 1694:

Covncill again sate & were Present as Yesterday

Clerke of this board sent to the house of Assembly to acquaint them that his Ex^{ncy} expected their Attendance at the Covncill Chamber to heare his Maj^{ties} Royall Comission to him for being Governo^r of Maryland Read, Whoe returnes & sayes that they will waite upon his Ex^{ncy} Accordingly Proclam^{acon} appointing the fast &^{ca} passed the Broad Seale.

Ordered to be published in the Citty this Morning:

The House of Assembly come up to whome his Ex^{ncy} declared that he Understood it was Usual to have the Kings Comission publickly read in the Assembly and for that Cause he had now sent for them, the which was accordingly produced & Read Unto them as likewise Comission of Vice Admirall

Post Meridiem.

Again Sate & were present as before Except Coll Robotham

Message from the House by M^r Boothby & Three other Members Signifyeing their being Mett yesterday & To day pursuant to an Instruction yesterday sent them therefore desired to know what his Ex^{ncy} had to impart Unto them.

His Ex^{ncy} acquaints them that they shall have an Acco^t p^rsently

The following Instructions Ordered to be drawne forth Viz^t

1st Conversion of Negros & Indians Recomend.

2^{dly} ffor restraining Masters in humane severities ag^t Christian Servants.

3^{dly} Table of Marriages.

4^{thly} Against Drunkenness & Blasphemy.
5^{thly} about publick Stock for Building public Worke Houses.
Original Journal.

6^{thly} Supply to the Govern^r
7^{thly} Expences of the Burgesses to be Moderated. p. 10

The Above Instructions were drawne forth at Large Examined & sent Attested under the Clks hand together with the following Letters & papers.

The Queens Letter of the 16th of August 1692: concerning Ports with a paper Superscribed.

An Act for Setling of ports, and for Laying a duty vpon ffurrs.

Report upon Certain Laws passed in the Assembly of Virginia

Copy 12 December 1691: Report from the Commissioners of the Customes upon a Virginia Act.

The Queens Letter concerning Bulk Tobacco dated July the 19th 1692.

The Queens Lett^r Touching a Supply to New York The 11th day of October 1692.

Govern^r of New Yorkes Lett^r 8th Jan^{ry} 1693.

Govern^r of New Yorkes Lett^r 29th July 1693.

New Yorke Estimate for the Defence of Albany.

Govern^r of New Yorkes Lett^r 2^d of March 1693⁴

Govern^r of New Yorkes Lett^r 9th of October –93

Govern^r of New Yorkes Lett^r 27th of July 1693.

Robert fforemans Deposition & peticōn of Kent County by Mr Tench & Cap^t Courts whoe likewise at the same time carried the following Message to present.

By his Ex^{cncy} the Govern^r & Covncill &^{ca}

September 22th 1694:

You have herewith sent Coppy of Severall Instructions from his sacred Maj^{tie} to his Ex^{ncie} Recomendēd to the Consideracōn of your house And as to his Maj^{ties} Royall Instructions concerning a further Supplye for the better Support of the Govern^r his Ex^{cncy} is pleased to let the house knowe that as to his owne particular, considering how much the Countrey is in Debt & what absolute Necessity there will be for discharging the same & for the raiseing of such a fund as shall be Answerable to the Necessary Charge for the publick good of this province he does not insist upon any particular Addition to what their Maj^{ties} have been graciously pleased to allow him.

Signed p Ord^r

Hen: Denton Clk Council

Original
Journal.
p. 11 The said Messingers returne & say they delivered their
s^d Message together with the aforementioned Instructions,
Letters & papers.

Message from the house by M^r Dent & Maj^r Smallwood
whoe signifye that the house had sent forth a Comittee of
Elections & priviledges & upon pervseall of the Several
Indentures Returned doe finde noe Returne for Cæcill County
therefore humbly desired to be informed if any such Returne
had been made to his Ex^{ncy} or this Board, To which they were
Answered they had Received None.

The following Message sent from the House by the hands
of M^r William Dent & 9 more of the Members Viz^t

By the Assembly September 22th 1694.

Wee the Deputies & Delegates now Assembled.

Doe most heartily congratulate your Ex^{ncys} Access & Safe
Arrivall to the Governm^t with a reall beliefe your Comeing will
be for our good & benefitt, fame having already proclaimed
your worthy actions done in other places And your begining
amongst Us gives Us great assurance you will continue the
same Unto Us in humble Confidence of Which Wee beseech
your Ex^{ncy} to Accept our humble & hearty thanks for the
favours already received and also to believe that as Wee are
obliged to Uphold & Assert the Just Rights & priviledges
of those Wee Represent soe our Actions shall ever demon-
strate us truly Loyall to their Most Sacred Maj^{ties} & behave our
selves with all due Respects towards Your Ex^{ncy} as becomes

Your Ex^{ncie} Most Humble Serv^{ts}

Signed p Ord^r

Cleborne Lomax Clk of the Assembly

Adjourne till Munday Morning.

Munday Morning September 24th 1694:

Covncill Mett & Sate & were present

p. 12 His Ex^{ncie} the Governo^r

S^r Thomas Laurence Barron^t

Secretary

Coll Henry Jowles

Coll Nicholas Greenberry

Thomas Tench Esq

Coll John Addison

Cap^t John Courts

Thomas Brookes Esq^r

Read her Maj^{ties} Royall Letter of the 26th May 1692 relate-
ing to the Establishing a post Office here &^{ca}

Read likewise Coll Hamiltons Proposals for settling the same being Deputed vnder Esq Neale whoe has pattent for being post Master Gen^l in the Northe parts of America as by her said Maj^{ties} Letter is Sett forth to which the same does Referr.

Original
Journal.

Ordered that inquirey be made whether any such pattent Deputation or instrument appeare any where upon Record wth in this province.

Coll Hutchins & Coll Browne appeare at the Board.

Read Coll Hamiltons Lett^r to his Ex^{ncy} of the 18th of July 1694 relateing to the post Office Ordered that all those present papers be sent to the house of Burgesses with their Maj^{ties} Royall Lett^r aforesaid.

Ordered that the Laws be inspected by this Board to see what remarques may be made upon them.

1 The Act of Recognition is thought not needfull to be altered

2. An Act for the Service of Almighty God & the Establishment^t of the protestant Religion in this province.

Proposed that An Addition be made to this Law Viz^t: that in Consideracōn the parishes being Large there be a greater Number of Vestrey Men appointed in each parish & that the Minister be one of the said Vestrey in each Respective parish pursuant to his Maj^{ties} Royall Instructions & that Church Wardens be appointed that care be taken, according to his Maj^{ties} Instructions likewise, for building of Houses for the Ministers & to finde out a way (if possible) by Contribution or otherwise for settling a Glebe in each parish & building a Chappell of Ease where requisite & wanting to be done at the Choice & by the Agreem^t of the parishion^{rs} &^{ca} or as they shall see fitt.

That if a way can be found out to build a house in every pish for the ministers his Ex^{ncy} does propose to give five pounds Sterl. towards building every such house begun in his Ex^{ncys} time & his Hono^r Sr Thomas Laurence Barron^t Secretary does likewise propose that he will give towards the building of the first Tenem^t houses which shall be built as afd (viz^t one in each County) the Sum^e of 1000^l of Tobacco towards each house, And if they find out a way for Glebes his Ex^{ncy} Does propose to be at the Charge of Surveying the same, dureing his Ex^{ncys} time.

That (pursuant to his Maj^{ties} Royall Instructions) & the Right Hon^{ble} & Right Reverent the Lord Bishop of Londons proposalls it is recommended that a fitting competency be found out for his Lsps Comissary to Supervise the Lives & Conversations of the Clergy of this Province &c.

Coll Robotham aded.

Original Journal. That a way be found out for the building a free Schoole for the province and a Maintenance for a Schoole Master an Usher & a Writeing Master that Can cast Acco^{ts}

The which if it can be Agreed upon his Ex^{ncie} proposes to Give 50^l towards building the said Schoole & 25^l Sterl: a yeare towards the maintenance of the Masters dureing his Ex^{ncies} time.

His Hono^r S^r Tho: Lawrence will Likewise give 5000^l of Tobacco towards the building the ffree Schoole & 2000^l of Tob: yearely dureing his being Secretary towards the Maintenance of the said Masters likewise.

That a way be found out, that when Ministers are Collected in each parish for to settle some thing for the Repareing of the Churches & an Annuall allowance to the Clarke & Sexton.

Ordered that the foregoeing proposalls be Drawne forth & sent to the House together with Coppy of his Maj^{ties} Royall Instruction relateing thereto w^{ch} was accordingly done.

To Propose a way to Restraine all Negroes from wandering about on Sundayes & to keep them from prophaneing the Sabath day in makeing of Rendevouze wth their Drumes & publick danceing as is Usuall with them.

p. 14 Coll Addison & M^r Brookes sent wth the said Message & Instructions.

Petition of Andrew Imbert & Claudius Dutrite, praying to be made ffree Denizens of this province, Ordered that the same be referred to the House of Burgesses.

Thomas Courtneys petition being Read relateing to a Molatto sett free by An Act of Assembly of this province, was Referred to M^r Attorney Gen^l & he to make Report what the Law Sayes in that Case.

Adjourne till to Morrow.

September 25th 1694.

Covncill Mett & Sate & were present

His Ex^{ncy} & ^{ca}

S ^r Thomas Laurence Barron	Secretary	} Coll David Browne Thomas Tench Esq ^r Cap ^t Jn ^o Courts									
Coll Henry Joweles											
Coll Nicholas Greenberry											
Coll Charles Hutchins											
<table border="0"> <tr> <td>{</td> <td>Coll George Robotham</td> <td>}</td> </tr> <tr> <td>{</td> <td>Coll John Addison</td> <td>}</td> </tr> <tr> <td>{</td> <td>Thomas Brookes Esq^r</td> <td>}</td> </tr> </table>		{	Coll George Robotham	}	{	Coll John Addison	}	{	Thomas Brookes Esq ^r	}	
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{	Coll John Addison	}									
{	Thomas Brookes Esq ^r	}									

Severall petitions from Roman Catholiques being Offered to this Board for Armes taken away from them in the time of the Revolution

Ordered that the house of Assembly be acquainted therewith to the End it may be knowne if there be any Reason whye the same should not be delivered them. Original Journal.

Ordered that it be proposed to the house that a Law be made for his Maj^{ties} Lett^r to the Lord Bishop of London to be Communicated to the two provinces of Canterbury & Yorke, be Read in every parish Church or Chappell ffour times a yeare together with the penall Lawes of the province.

That a Law be proposed to be made that parents ffrequently bring their Children to be Catechized & that the ministers call upon them.

That a Law be made for a Stricter Method to be taken in keeping all Records within this province & that the Justices of the provinciall & County Courts doe Cause the minutes of every dayes proceedings together with the Judgm^{ts} that day passed to be fairly transcribed by the Clerke of the Court ag^t the next Morning the same to be openly read in Court before the Court proceed to any further Business that day

That a Law be made that there shall noe accōn be brought in any County Court within this province not Exceeding the sume of 400^l of Tobacco & that all Under the said Sume may be decided by any private Justice of peace, or otherwise as it shall be thought Necessary. p. 15

It is proposed That the Law for Navall Officers ffees be Amended by proportioning equall ffees to the Burthen of the Vessells; & that whereas it hath been Represented a great Grievance that sloopes & Shallops tradeing from one place to another within this province are put to great Charge in Continually Entering their said small Craft it may be provided that masters or owners of such Sloopes or Shallops shall yearely Enter their said Vessells at the same time giving bond for duely Observing the Acts of Trade & Navigation for which a ffee of halfe a Crowne or Crowne may be settled upon the Officer Granting their permitts &^{ca}

That the Law for Tradeing wth the Indians may be Repealed it being found that the said Trade is quite ruined, the same being inhanced by a few Lycensed Traders, But that a Law instead thereof be made w^{ch} may impose some small Duty upon all ffurrs Exported out of this province by the Inhabitants here or of Virgin^a but double or Treble Duty upon all fforraigners Exporting such goods.

His Ex^{ncy} does declare that though these Two Laws doe in particular concerne his Ex^{ncys} owne Interest yet he is Willing to Square all Matters for the Ease of the Subject.

Message from the House by M^r Boothby & M^r Hutchinson who Signifye that Cap^t William Whittington being by Indenture Returned a Delegate for Somersett County the w^{ch}

Original
Journal. Indenture being inspected by the Committee of Elections & priviledges is found to be Legally chosen, but they perceive not qualified to sit before sworne pursuant to his Ex^{ncys} Commission & their Maj^{ties} Royall Instructions Relateing thereto before sent to the house therefore, doe desire that two or Three of the Members of this Board may be sent to Administer the said Oathes &^{ca} Unto the said Cap^t Whittington.

p. 16 Went Accordingly the Hono^{ble} S^r Thomas Laurence Coll Henry Jowles Coll George Robotham & Coll Nicholas Greenberry to the house with the Clerke of this Board & swore the said Cap^t Whittington, whoe likewise Subscribed to the Test & soe Returned to the Board again.

This Board does propose that a Law be made for every man to Ascertaine the Bounds of his Land to prevent Law Suites &^{ca} for want of which it is found a great Grievance.

That an Addition be made to the Act for Runaway Serv^{ts} to obstruct all Suspitious p^{sons} from goeing over Susquehanna River.

That a Conditionall Law be proposed about prosecuting of Runaway Servants & Debt^{rs} ru^{ne} out of Virginia into this province & out of this province into Virginia in case a Law of the same nature be Consented to by the Govern^{mt} of Virginia to be passed there likewise for the equall benefit of both Govern^{mts}

His Ex^{ncy} proposes to the Board By what power the Govern^r & Councill have Usually Granted Warr^{ts} for Resurvey of Lands & it is Answered that there is a Law of this province (as they beleive) w^{ch} relates to that Matter.

Ordered thereupon that the said Law be produced and Inspected

That the Sollicitor Gen^{ls} Report Relateing to the 14^d p Tonn be laid before the house for their pervseall,

Ordered that the aforegeoing proposalls be drawne forth & sent to the house for their consideracōn.

The following Message brought from the house.

By the Assembly September 25th 1694.

The house takeing in their Consideracōn that the provinciall Court is very nigh at hand And that the Assembly shall not be Ended by that time, And alsoe Considering the great In Convenience of the Court Sitting before the Assembly bee Ended Wee Leave it to your honors Consideration what at present is Offered.

Signed p Ord^r
Cleborne Lomax Clk Assembly

The same was answered by a Message Sent by Coll Hutchins
& Coll Browne Viz^t

Original
Journal,
p. 17

- This Board have considered the Message last Recd & doe
thinke fit & proper that the Prov^l Court be Adjourned Untill
the 6th day of November next if the House doe likewise
thinke the same convenient.

Message by M^r ffrisby & M^r fferry Viz^t

By the Assembly September 25th 1694.

This house Concurres with his Ex^{ncy} the Governo^r & Coun-
sills for the Adjournm^t of the Provinciall Court till the Sixth
day of November Next.

Signed p Ord^r
Cleborne Lomax Clk Assem^{ly}

Adjourne till Thursday Morning

September 27th 1694 Thursday Morning

Covncill again Sate & were
Present as Yesterday
Except Coll Hutchins

Proposalls to the House Viz^t

That the Law about Tobacco Hogsheads be amended in
ascertaining the Tare of the Casque & makeing them of a
Certain size & to be marked by the Coopers owne proper
Marke or the person seting the same up.

That an Act be made for the security of the Countrey.

That an Addition to the Act about Bastard Children be
made, Viz^t for a Mast^r that gets his Servant Woman with
Child the said Servant to be set ffree.

That Justices of the County Courts & Vestry Men be
Empowered to make by Laws &^{ca}

That the ffrontier plantations be seated with Three or ffour
able hands.

That there may be a Clause incerted in the Act for the
Militia that the Armes Amunition & horses of ffoot or horse
be not impressed, or lyable to any Execution & any Man
takeing any of the said things in pawne shall be punished &
lyable to make restitution of the same again.

Petition of M^r William Josephs about Armes taken from
him &^{ca}

p. 18

Ordered that the same be Referred to the House of
Assembly for their consideration.

Original
Journal.

Ordered that what Armes were taken & seized at the Garrison at Mattapany for their Maj^{ty} Use that there be an Acco^t thereof Returned with all convenient speed to this Board.

Petition of George Mason & William Burley about their lyeing under the sentence of Death for these severall yeares, being Read: His Ex^{ncy} was pleased to demand of the Board how that Matter stood & his Hono^r Coll Greenberry made Answer that they were Reprieved & a letter was sent unto Governo^r Copley by M^r Blathwait directing a Copy of the proceedings to be sent home, the w^{ch} he sayes were accordingly sent by him to his Ex^{ncie} Sr Edmond Andross, in Order thereto.

Ordered that the said Letter be produced at the Board to be sent with the petition for the peruseall of the House of Assembly

Coll Hutchins appeares at the Board.

Message from the House by M^r Boothby & M^r Hutchinson whoe doe Represent that upon their peruseall of the Act of 4^d p Gall upon Liquo^{rs} they doe finde that the Act does direct the same to be Lodged in the Kings Receivers hands and they Understanding that M^r Plater is the proper Officer yet not knowing it Judicially they desired to be informed of the same more fully from this Board, To the End they may call him to Acco^t according to the said Act.

The Message approved off and Answer Given them by M^r Tench And Coll Addison. That M^r Plater is the Kings Receiver he is Ordered to Attend them accordingly.

Ordered that thanks be Returned to M^r Coney & M^r Hewet for their Sermons preached yesterday being the day appointed for the ffast. And that M^r Coney be desired to print his Sermon.

Read the Answers & Opinions of the Attorneys relateing to the Councils heareing Writts of Error & Appeales & Constituteing the Court of Chancery &^{ca} pursuant to an Ord^r of Covncill September 22th 1694

To his Ex^{ncy} The Govern^r

Maryland ss:

p. 19 Sr Wee haue in Obedience to y^r Co^mands considered and Debated the Severall Matters given us in charge which wee Conceive to Consist of these two propositions, (To witt)

I Whether by virtue of their Maj^{ties} Comi^cōn the Governo^r & Council are not Actually quallified and Enabled as a Court of Justice to heare and determaine all matters in Law that shall be brought before them by Error or appeale, or that there be a Necessity for any furth^r Authority or Co^mission to

them for the same. To which Wee humbly Answer, wee are of Opinion that you & your Councill are Sufficiently Authorized & Empowered by yo^r Co^mission from their Maj^{ties} to hear & determine all matters in Law comeing before you Either by appeale or Writt of Error from the provinciall Court without any further or other Co^micon or Authority for the same but wee Conceive it Necessary for informacōn of the people that you Signifye by proclamacōn how often in the yeare you will sit to heare & determine such matters.

Original
Journal.

2 What will bee the best Method or Manner for constituteing a Court of Equity or Chancery in this province According to the Constitutions of the same.

Wee say that because you have power & Authority to Constitute Erect & Establish such & soe many Courts of Judicature and Publick Justice &^{ca} as to you shall seem convenient &^{ca}

You may constitute a p^ticular Court of Equity in this Province but then for the hono^r of the Governo^r & Covncill it would bee Necessary to declare by a Law that any p^{erson} Expecting to be Releived by Equity shall lay hold of the same by Injunction or Otherwise before the Matter in Law by appeale or Error bee laid before the said Govern^r & Covncill & not after Or Else you may procure a Law to be made declareing the Govern^r & Covncill to be Judges in Equity within this province when the matter shall in a Regular Equitable way be brought before them by Subp^a Injunction or peticōn & not otherwise and this wee say because wee are not Unanimously agreed w^{ch} of the Two is most agreeable to the Currant of Law and Constitucōn of this Province.

And Wee humbly Signifye that wee take it to be ag^t the Currant & meaning of the Law & Incongruous of it Selfe to have the same p^{ersons} Judges in the provin^l Court & also Judges in Covncill for the Nocōn of appeareing or Writts of Error is to Except ag^t the Judgm^t of them Judges that gives Judgm^t and appeale to Other Judges in a Superior Court w^{ch} playnely Supposes different p^{ersons}.

This is our p^resent Oppinion of the Matters abouesaid To w^{ch} (with Submicōn to better Judgments) We subscribe

Yo^r Excellencyes most humble
and ffaithfull Servants

Robert Smith
Kenelm Cheseldyn
George Plater
Edw: Boothbye
Will^m Dent
Philip Clarke

Referred to be Re heard again to Morrow Morning
Adjourne till to Morrow Morning

Original
Journal.ffryday September 28th 1694.Councill Mett & Sate & were p^rsent as before

The Answer & Opinions of the Attorneys last night Referred taken into Consideracon & Ordered to be sent downe to the house of Burgesses.

That in the Third proposall made to the house By this Board 25th September last relateing to County Courts the Justice be Obleidged to send out his su^mons or warr^t to the party asking the same and that there be a certain ffee settled for the Justice makeing out such Warr^t or Su^mons & another ffee for makeing up the Record & Returning it to the County Courts and that another ffee be settled upon the Clerk of the County for Entering the same in the County Record for w^{ch} a particular Record Booke shall be kept. That the Justice have power to depute any p^{son} to Execute the said Warr^{ts} & that the Justice keep a Record of all his proceedings.

p. 21 That whereas it is Observed that great delays have been Occasioned & persons put to great Expence & Charge & kept out of their Debts by Reason of Appeales & writts of Error brought from the County Courts to the prov^l Court of this Province, it is proposed that a Law be made to prevent such delays if possible.

That Noe Accōn shall be Comēced in the Prov^l Court unless the Cause of accōn exceed the su^me of Twelve hundred pounds of Tobacco. And that noe Appeale shall lye from the County Courts to the Prov^l unless the Debt & Damages exceed the su^me of Two thousand pounds of Tobacco.

That an equall number of itinirant Justices of the Prov^l Court be Appointed on each side the Bay & that they Ride the Circuits in the nature of Judges of Assizes in England every yeare as often as they shall thinke fitt And that a Provin^l Office be Erected & kept on Each side the Bay likewise from whence all process shall issue as formerly ;

The number of Justices & Sallary left to the Consideracōn of the House ; The Clk on each side the Bay keeping the Prov^l Office obliedged to Attend the said Justices in their Circuits & To Transmitt The Record to the Office.

That a Law be provided for to Appoint some certaine time, after the Justices finishing their Circuits for the Govern^r and Covncills siting to hear all appeales & Writts of Error & that noe Appeale lye from the Prov^l Court to the Govern^r & Covncill under the su^me of 100^l st^rl or 40000^l of tobacco nor from them to the King & Covncill under the su^me of 300^{ls} st^rl pursuant to their Maj^{ties} Royall instructions the thing Appealed for to be Vallued by the Court to be worth such a

Sume otherwise the Appeale or Writt of Error not to be admitted. Original
Journal.

The Constituteing of a Court of Chancery is left to the Consideracōn of the House sending the following paper for their peruseall and to Consult whether the Record shall be kept by the Clerk of the Prov^{ll} or by a particular Officer.

That Moderate ffees may be settled where Necessary That a publick house of Correction be appointed in each County M^r L^lewellin & M^r Taylard appeare at the Board according to former Order. His Ex^{ncy} does demand of M^r Lewellin whether or noe he Knowes of or has in his Custody S^r Edmond Andros's Letter sent to this Governm^t some time in September last before his comeing over & Takeing the Governm^t upon him, whoe makes answer that he had such a letter in his Custody he very well remembers, but the Councill papers were taken out of his hands when he was sick, And with all does say the said Letter was not signed, but can give noe further Acco^t he is asked where S^r Edmonds Originall proclama-
tion for Continuance of Officers &^{ca} is, whoe Does say that it is among the papers by him delivered to the present Clerk & that he will help him to search out the Same. his Ex^{ncy} does acquaint him that he must take an Oath that he has delivered up all publick papers, & therefore askes him if he has any such by him, whoe does Answer that he has papers still by him w^{ch} he is ready to deliver up: And thereupon Ordered that the Clk of this Board Receive the said papers from the said Lewellin, And that M^r Taylard likewise then appeare to make Oath that all publick papers have by him been delivered up. p. 22

Message from the house by M^r Cheseldyn & Cap^t Bayne as follows Viz^t

By the Assembly September 28th 1694.

Whereas this house hath appointed a Comittee for Inspecting the Laws the house doth humbly Supplicate your Excellency to spare two of your Councill to joyne with the said Comittee.
Cleborne Lomax Clk Assembly

Upon which Request Ordered that Coll Jowles & Coll Robotham be joyned to the said Comittee it being Usuall custome, whoe accordingly took Leave of the Board & went.

That the ffield Officers & Cap^{ts} of horse & ffoot be Empowered to determaine all Military Affaires & to issue Execution for the Sherriffe to serve & Collect all ffines & fforfeitures w^{ch} shall become due & fforfeited &^{ca} Ex Officio: And that the same be applyed towards the purchaseing of

Original Journal. Armes & Amunition for such persons as are poore & unable to buy, And when that is done then towards the paying of Drumers & Trumpeters.

p. 23 That there be a person appointed to Execute the Office of Muster Master And Agitant on each side the Bay whoe shall be obliedged to muster & see Exercised the severall Troopes & Companies six times every yeare besides the Gen^l Muster & that 2^d Tobacco p poll be settled upon each of the said Officers.

Abraham Ambrose & Gerrardus Weesells petition to be Naturalized,

Ordered to be Referred to the House.

Post Meridiem.

Coppy of their Maj^{ties} Instructions relating to the Revenue &^{ca} drawne forth & Ordered to be sent to the House.

This Board does Represent that their Ma^{ts} Magazine of powder being considerable here & noe particular ffort for preserving the same ag^t Enemies or Accidents, therefore have Ordered that the same be distributed into every County to be lodged wth the principall Officers & Comanders by them to be safe kept and not to be touched or Meddled with upon any Acco^t Unless upon invasion & Cases of Warr, desireing the Opinion of the House the best way of Conveyance & most convenient places to Lodge the same in.

Adjourne till to Morrow.

Saturday September 29th 1694.

Councill again Sate & were p^rsent as Yesterday

That a way be found out to Settle one or Two fferrys as the house shall thinke fitt upon potomock River in the most convenient place or places thereon, for an intercourse to be had betwixt the Colony of Virg^a & this Province, to be done at the Equall Charge of Both Governm^{ts}

Lewis de Roche Brune Petition to be Naturalized,

Ordered to be Referred to the House.

Edward Randolph Esq appears at the Board.

p. 24 M^r Blathwayts Lett^r to his Ex^{ncy} the late Govern^r dec^d being produced, a clause wherein relates to the prison^{rs} lyeing now under sentence of death for the Murther of M^r Payne; Ordered that the said Clause be Coppyed out & Sent to the house of Assembly with the prisoners petition, together with a Coppy of a Lett^r sent by the Hono^{ble} Coll: Nicholas Green-

berry Unto his Ex^{ncy} Sr Edmond Andros & Severall other Lett^{rs} by the s^d Coll Greenberry Rec^d from the s^d Sr Edmond for their peruseall that they may see what has been done in that affaire. List of the said Lett^{rs} are as follows Viz^t

Lett^r from Coll Greenberry to Sr Edmond Andros, Dated 17th of October 1693.

Lett^r from Sr Edmond to Coll Greenberry Dated 20th October 1693.

Ditto to Ditto, Dated 19th March 1693.

Ditto to Ditto, Dated 22th Decemb^r 1693.

Ditto to Ditto, Dated 26th March 1694.

Copy of Clause of a letter sent from M^r Blathwayt Dated 27th of febr^y 1694

Stephen Blatchford admitted Clerk assistant of the Councill in Assembly whoe tooke the Oathes appointed by Act of parliam^t instead of the Oathes of Allegiance & Supremacy as alsoe Oath of Clerk Assistant aforesaid.

M^r John Lewellin appeared and produced to the board Sr Edmond Andros's Lett^r of the 21th of September last being the Lett^r yesterday inquired about.

Post Meridiem

Again Sate & were present as before

Except

Coll Jowles Coll Greenberry Coll Addison & M^r Brookes

Adjourne till Munday Morning:

Munday October the 1^t 1694.

Councill Sate & were present as on Saturday Except Cap^t Courts & M^r Tench.

M^r ffrisby appeares at the Board.

John Perrys peticoⁿ & Govern^r Copleys Letter to him being read was Referred to the House of Assembly for their Considerac^on

Coll Jowles & Coll Robotham goe to the Co^mittee of Laws Edward Randolph Esq^r produces to the Board the R^t Hono^{ble} W^m Blathwayt Esq Auditor Gen^{ll} his Deputation vnto him for being Auditor Gen^{ll} &^{ca} w^{ch} being Read;

Ordered that the same be sent to the House of Assembly to be Read there.

The House of Burgesses haveing informed the Board that they had Received noe Returne as yet of the Indentures from

Original Journal. Cæcill County pursuant to the Act of Assembly of this Province Ordered that M^r Attorney Gen^l make due proceedings therein according to Law.

Coll Hamiltons L^r to the late Governor Copley wth his proposalls about the post Office together wth her Maj^{ties} Royall Letter fn favour thereof, Esq^r Neales Patent for being post Mast^r Gen^l of America and the afd Coll Hamiltons Deputation from the said Esq^r Neale being produced & pervsed here are Reco^mended to the House of Burgesses for their consideration.

Adjourne till to Morrow Morning.

October the 2^d 1694.

Councill Mett & Sate & were p^rsent as Yesterday.

Gerrardus Wessells, John Daveghe Claudius Dutrite & Andrew Imbert haveing all petitioned to be naturalized this day had Aministred unto them the Oathes appointed by Act of Parliam^t instead of the Oathes of Allegiance & Supremacy by his Ex^{ncy} in Councill & Likewise Subscribed to the Test in manner following

At the Citty of Sn^t Maries October the 2^d 1694
Maryland ss.

Wee the Subscribers doe declare that wee doe believe that there is not any transubstantiation in the Sacrament of the Lords Supper or in the Elements of bread & Wine at or After the Consecration thereof by any person whatsoever

Gerrardus Wessels
Claudius Dutitre
Andrew Imbert
his
John × Daveghe
marke

p. 26 Came from the House of Burgesses M^r Kenelm Cheseldyn wth ffive more of the Houses Members whoe presented the following Bills to the Board Viz^t

An Act concerning those Serv^{ts} that haue Bastards.

An Act for Advancem^t of Coynes.

An Additionall Act to the Act of Religion

An Act for the punishm^t of Blasphemy ffornication & Adultrey.

An Act for the Imposition of 4^d p Gall on all Liqueores imported.

An Act limiting Expences.

An Act for the Confirmacōn of the last Will & Testamen^t of Augustus Herman deceased. Original Journal.

An Act for Naturalization of Peter fferdinando &^{ca}

- An Act for Reliefe of Debtors.

An Additionall Act to the Act for quieting possessions.

An Act for the Easement of the Inhabitants of this Province in Testamentary Affaires.

An Act prohibiting all Masters of Ships or Vessells or any other persons from conveying or Transporting any persons out of this province without passes.

An Act concerning Coopers & the Gage of Tob^o hhd^s.

Ordered that the aboue Bills be Referred to be Read to Morrow Morning.

Wednesday October the 3^d 1694.

Councill Sate & were present as Yesterday

Except

Coll Greenberry Coll Hutchins Coll Browne M^r Tench & Cap^t Courts

Message from the House by M^r Cheseldyn & Cap^t Bayne, whoe doe say they are sent to know whether there be any Bills prepared at this Board to Offer to the House or whether the Bills sent hither yesterday are ready to be Returned and they are Answered that there shall be some papers sent them presently.

Coll Hutchins & Coll Browne appeare at the Board.

Bills yesterday Received Ordered to be Read.

In the Act concerning those Serv^{ts} that haue Bastards, Wee are of Opinion that an Additionall Clause be made that any Servant Woman or maid who shall be got with Child and laid to her Master that it shall be the Solemne protestation or Oath of the Woman in her paines of Travaile agreeing with other pregnant circumstances which shall be Sufficent prooffe & not otherwise.

In the Act for the punishm^t of Blasphemy ffornication and Adultrey in the 15th Line & 2^d page thereof it is said speciall Comon under his hand & Seale Wee are of Opinion that it should be said under the Broad Seale of this Province. p. 27

The following Style is Reco^mended to the House to be Given to the Laws, Viz^t By their Maj^{ties} Governor & Councill & the Burgesses of this Gen^l Assembly & the Authority thereof.

That in the Act for Advancem^t of Coynes in the preamble thereof it be said that the want of Ready money in this Province is detrimentall to their Maj^{ties} Interest & soe conse-

Original Journal. quently to the Good of this province then proceed to Wee your &^{ca} That the word st^l be left out & the words current Money put in; That peices of Eight being scevill Mexico & pillar goe at Six Shillings if 12^d Weight & every penny weight aboue 12: to be advanced 3 pence for every penny Weight exceeding 12^d penny Weight as afd & every piece of Eight of peru of 12^d Weight or aboue to pass at ffive Shillings that all halfes & quarters & Sixteenths pass at the Advanced Vallue And all halfes & quarter pieces proportionable to the weight afd.

And that there be Noe limitation for carrying Money out as for paying their Maj^{ties} Duties you are Referred to his Maj^{ties} Royall instruction relateing thereto, before sent you, & to consider of an equall advance therein, & as for the Lord Baltimore you are Referred to his Lo^{sp}s Agent.

That old Debts or Bills of Exchange be Advanced proportionably to make it Money st^l according to the advance aforementioned

That Officers ffees be taken in the Advanced Coyne. The Date must not be ascertain'd till the Act has passed his Maj^{ties} Royall Assent.

That in the Additional Act to the Act of Religion in the 4th Line it is said shall be inducted or Collated Wee are of Opinion that it should be said Collated inducted or appointed by his Ex^{ncy} the Govern^r or Co^mander in Chiefe for the time being according to his Maj^{ty} Royall Instructions.

That a greater number of Vestrymen be aded proportionable to the parishes & the Minister exempted from any ffyne, according to his Ma^{ts} Royall Instructions. That whereas in the former Act of Religion the Words Collated & inducted are onely made use off, These words or appointed by his Ex^{ncy} the Govern^r or Comander in Chiefe for the time being be added & an Addition be made for the Repaire of the Churches & to settle some thing upon the Clarke & Sexton, and that Church Wardens be appointed to be Chosen according to the Laws of England.

p. 28 The following Message sent from the House by M^r William Dent and M^r ffrisby, viz^t

By the House of Assembly
To his Ex^{ncy} the Governo^r in Chiefe
of this Province.

ffor as much as John Carvile Sherriffe of Cæcill County not makeing due Returne of his Indentures of Election for the Delegates of that County And haveing appeared before this house and made it appeare to them that the Cause thereof

was that one or two of the Delegates promised him to Call for the said Indentures when they came downe which by meanes of Contrary winds & Bad weather they Could not and that hee sent the said Indentures with all Expedition after he knew thereof.

Original
Journal.

Wee therefore become humble Suiters to your Ex^{ncy} to pardon & Excuse the said Defect of the said Carvill as aforesaid Occasioned by the means aforesaid

Signed p Order

Cleborne Lomax Clk Assembly.

That where any Church is built & a Minister inducted, Colated or appointed as aforesaid there be a power Given to the Vestry or others for to Raise Tobacco for the Repaire of such Church & paying Clarke & Sexton.

That in the Act for the Imposition of 4^d p Gall: on Lique^{rs} imported into this province Beer & Sider from Virg^a be aded to the Exception.

The following Message sent from the House by M^r Hawkins & Maj^r Smallwood viz^t

By the Assembly October the 3^d 1694.

Haueing Received your Ex^{ncys} Instructions of the 24th of Septemb^r and Considered your Ex^{ncys} proposalls & Large Contribution towards the Establishing a free Schoole wee haue Endeavoured as farr as able to follow your Ex^{ncys} Example And in Order thereunto have Contributed towards the building such a ffree Schoole as your Ex^{ncy} hath proposed the Summe of 45400 pounds of Tobacco and some Absent Members as yet haue not Subscribed and Doubt not that every well minded person wth in this province will Contribute towards the same And upon Consideracōn thereof haue had some debate Concerning the Building of one ffree Schoole on the westerne Shoar & another on the Eastern Shoar, And haue nominated Severne & Oxford for the two places All which debate wee leave to your Ex^{ncys} Consideracōn & Appointment & to that End & purpose humbly Desire a Conference wth your Ex^{ncy} & Councill to Consider of the Best wayes & methods to Establish the same.

Signed p Ord^r

Cleborne Lomax Clk Assembly

Answer thereto Viz^t

p. 29

By his Ex^{ncy} the Governo^r

Wednesday October 3^d 1694:

The Message this day sent by M^r Hawkins & Maj^r Smallwood I have Received & am Glad to finde the Houses hearty

Original Journal. inclinations & forwardness in contributeing soe Voluntarily & Largely towards soe good & Beneficiall a worke as of building free Schooles & would have agreed to the Conference this Night desired, but that some Members of this Board are at present wanting; but God willing to Morrow Morning after prayers my Selfe and the members of their Maj^{ties} Hono^{ble} Councill will be ready to conferr with your House at the Councill Chamber.

Signed p Ord^r
Hen Denton Clk Conncll

Sent by M^r ffrisby & Esq^r Randolph.

They Ret & say they delivered their said Message.

The Severall Members of their Maj^{ties} Hono^{ble} Councill doe give towards the Carreing on the ffree Schoole as ffollows Viz^t

	'tob.
Coll Henry Jowles	2000
Coll George Robotham	2000
Coll Nicholas Greenberry	2000
Thomas Tench Esq ^r	1000
Coll Charles Hutchins	1200
Coll David Browne	1000
Cap ^t John Courts	1200
Thomas Brooke Esq ^r towards building the house & 5 ^l } St ^l a yeare towards the Maintaining the Master for the first ffour yeares }	
M ^r James ffrisby	1000
Edward Randolph Esq ^r Tenn pounds Sterl p Annum } soe long as he continues in the Councill of this Province }	

Adjourne till to Morrow Morning

Thursday October 4th 1694.

Councill Again Sate & were all present Except M^r Tench M^r Cheseldyn wth Severall Others of the Houses Members come up to the Conference yesterday appointed.

p. 30 It is proposed to his Ex^{ncy} what way is most fit & proper for Erecting a ffree Schoole and for Raiseing a Supplye and Maintenance for the Mast^{rs}

To which his Ex^{ncy} does Answer that there being noe proper ffund as he sees in this province for carryeing on such a designe therefore the same must be done by way of Contribution & that 100^l st^l p annum may be Sufficient for the

Support of the Mast^{rs} thereof, if a way can be found out to settle such an Annuity; that the Chiefe Master be allowed 50^l p Annū Usher 25^l and Writeing & Arithmetick Mast^r 25^l still p Annū.

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Journal.

Mr Tench appears at the Board.

for the Better introduceing of which his Ex^{ncy} produced unto unto them & Read their Maj^{ties} Royall Charter for Constituting the Collige of William & Mary in Virginia whereby a Supplicatory Act may be Drawne up to present to their Sacred Maj^{ties} for the Erecting the said ffree Schoole conformable as neare as may be to the said Charter. It is proposed that a Law be made that the Sherriffe of Each County shall give due notice to every free holder to appeare at the Election of Burgesses, and that a Severe ffyne be laid upon the Sherriffe neglecting his Duty & a ffyne upon the ffree holder, if he does not appeare after being Sumoned, without Lawfull Excuse & that when the ffree holders are met for such End & purpose that they all be obliedged to stay there untill Such Election is ouer.

Adjourne till Saturday Morning.

Saturday October the 6th 1694:

Councill Sate & were present all

Message by Mr Dent & Mr Clarke Signifyeing that there were 2 Delegates Returned in the Roome & stead of the disabled Members, did therefore pray that some of the Councill might be sent from this Board to Administer the Usual Oathes appointed by Act of Parliament &^{ca} & Test & went accordingly the Hono^{ble} Sr Thomas Laurence Coll: Henry Jowles Coll George Robotham & Coll Nicholas Greenberry whoe Returne and say they haue Executed the matter as Given them in Charge, and subscribed to the Test in Manner ffollowing.

At the Citty of Sn^t Maries October the 6th 1694.

Maryland ss:

Wee the Subscribers doe declare that wee doe believe that there is not any transubstantiation in the Sacrament of the Lords Supper or in the Elements of Bread & Wine at or after the Consecration thereof by Any person whatsoever.

Thomas Tasker
Nicholas Lowe

The Hono^{ble} Sr Thomas Laurence Coll Henry Jowles Coll George Robotham Coll Nicholas Greenberry Coll: Charles

Original Journal. Hutchins & M^r James ffrisby sent to the House with the following paper from his Ex^{ncy} Viz^t

Gentlemen of the House of Deputyes & Delegates.

I desire you would accept of my hearty thanks for your Obleigeing Congratulation.

If God Almighty hath Enabled me to doe any thing worthy of good fame in the Countreyes where I have had, and Still haue the Hon^r to Comānd, the praise be returned to him, As my thanks are to you for your kind acceptance of the same:

I haue Great reasons to hope your Actions will demonstrate you truely loyall to their Most Sacred Maj^{ties}, And that you will uphold and assert the Just Rights & priuiledges of those whome you doe soe worthily represent. I doe & shall Endeavour to discharge my Duty to God & their most Sacred Maj^{ties} And all the good that possible Can shall be done to this great Colony in Generall & to yo^r Selves in particular by
ffr: Nicholson.

The ffollowing Message Ordered to be drawne up to send

To the House

Whereas the House of Burgesses haveing by a Message Signified to this Board that upon the peruseall of the Indentures Returned by the Severall Sherriffes they found none Returned for Cæcill County, this Board thereupon did Order prosecution to be made therein according to Law and the House since signifyeing that they had received the said Indentures and are satisfyed about the Accident & Reason whye the same came not sooner to hand withall praying that his Ex^{ncy} would be pleased to pardon & Excuse the sd Defect of John Carvile Sherriffe of the said County occasioned by the Accident aforesaid. This Board upon Consideration of the same doe likewise (seeing the House is satisfyed) thinke fit to pass by & Remit the same, Sent by Coll: Hutchins & M^r ffrisby, together with the following Bills, Viz^t

- p. 32 Act concerning those Servants that have Bastards,
 Act for punishment of Blasphemy fornication & Adultrey,
 Act for Advancem^t of Coynes.

And the Additionall Act to the Act of Religion, with the aforementioned Remarques of the Hono^{ble} Councill therein; And the Style Reco^mended to the House to be Given to the Laws.

Somerset County Petition about the Court house & the Returne of the Sherriffe upon a former Order of Councill Relateing thereto being Referred to the house,

Ordered that the s^d petition be likewise thither Referred.

The Same was sent by Coll: Hutchins & Coll Browne.

Adjourne till Munday Morning.

Munday October the 8th 1694:

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Journal.

Councill again Sate & were p^rsent.

His Ex^{ncy} the Governor &^{ca}

Sr Thomas Laurence Barron ^t	} Thomas Tench Esq ^r }
Secretary	
Coll Henry Jowles	
Coll George Robotham	
Coll Nicholas Greenberry	} Coll: John Addison }
	} Cap ^t John Courts }
	} M ^r James ffrisby }

Lett^r from his Ex^{ncy} Coll Benjamin ffletcher Governor of New Yorke of the 24th of September 1694 relateing to the protested Bills for 453^l st^{rl} hither sent, Together wth a New Scheme of a joynt assistance therein inclosed & the Examina^cōn of a Maquase Indian was here produced the which being Read, his Ex^{ncy} demands of the Board how that Matter stands betwixt this Govern^t & New Yorke, to which was Answered that when his Ex^{ncie} Sr Edmond Andross was over here, their Ma^{ts} Letters relateing to the Assisting that place with a certaine Quota of Men & Money &^{ca} were produced at this Board & read the 28th of September Anno 1693: Together with certaine Lett^{rs} & papers from the Governo^r of that Colony to the said Effect, desireing alsoe this Govern^t to Appoint a Comission^r to be there on the first Wednesday of October then next following to Concert & agree wth the other Comission^{rs} from New England Virg^a & pensilvania concerning the same ; it was thereupon then moved in Covncill, whether any thing had been done therein, upon which was made appeare by Receipt the Transmitting of 300^l st^{rl} thither but that the Long Sickness & Death of the Late Govern^r obstructed sending a p. 33 Comission^r and that it was thought impossible to send by that time And that afterwards to witt, At a Councill held at Battle Towne the 13th day of ffeb^{ry} Anno 1693: was produced at the Board a Couple of Lett^{rs} of the 8th & 11th of Jan^{ry} preceeding sent by an Express from his Ex^{ncy} the Govern^r of New Yorke signifyeing the protest of certaine Bills of Exchange drawne by the late Govern^r Copley to the Sum^e of 362^l 8^s st^{rl} &^{ca} Requireing New Bills from this Govern^t for the same as alsoe Answer what furth^r Assistance might be expected from hence by the first of May following, To which after a full Debate about the same had ; it was the Opinion of the Board, that they Could not properly at that time Remitt any Money to that Govern^t untill Instructions given by his Ex^{ncy} Sr Edmund Andros to whome a Lett^r was sent to know his Ex^{ncys} pleasure therein And another to his Ex^{ncy} the Govern^r of New Yorke to Signifie to him that at present they Could not give any further Answer, but would by Express send by or before the first of May Next.

Original
Journal.

That at a Covncill held the 16th of Aprill Anno 1694 at the Ridge in Ann Arrundell County the Covncill then mett, did actually send an Express to New Yorke with Bills of Exchange unto Chudleigh Brooke Esq Collector & Receiver of their Maj^{ties} Revenue in those parts, to the sume of 250^l 8^s 4^d st^{rl} (in Compliance to her sacred Maj^{ties} Comānds) which said Messinger delivered the same accordingly & brought back the said Collectors Receipt, as by the Journall of the Covncill, Recourse being thereunto had, doth fully & at Large appeare; And that Since noething further hath been done.

Ordered that the Same Letters & papers together with the R^t Hon^{ble} Coll Andrew Hamiltons Letter here likewise Read, be sent to the House of Burgesses for their Consideration, the which was accordingly sent, By M^r Tench together with a printed Booke & the proposall relateing to the Election of Sherriffs.

Whoe Returnes & Sayes he delivered the Same.

That the Act for Ordinary Keepers be amended pursuant to his Maj^{ties} Order in Covncill of the 2^d of March 1692/3 herewith sent

That noe person be Suffered to Carrye any Cyder or other Strong Liquo^r to any Indian Towne or Cabin in Order to vend the same vnder penalty of being ffyned & forfeiting all such Liquo^{rs}

p. 34 The foregoing Proposals sent alsoe by M^r Tench together with another of the 3^d of October instant Relateing to Election of Burgesses. Who Comes and Sayes he delivered the same.

M^r Cheseldyn, Cap^t Hamond, M^r Ennolls & M^r fferry come from the House with the following Message Viz^t

By the Assembly October the 6th 1694.

Resolved by the house that whereas your Ex^{ncy} hath been pleased to Comūnicate to the House their Maj^{ties} Instructions to you to Require an Accompt of the Impost of 12^d p hogs-head for the Support of this Govern^{mt} from the Collectors of the same since the last Convention in this province &^{ca}

Upon Consideracōn of which this house hath thought fitt that two of the Members of this house with two of your Council wth whome your Ex^{ncy} shall think fitt to appoint to be a standing Comītee to Examine & audite the said Accompts.

Signed p Ord^r

Cleborne Lomax Clk Assembly.

Ordered that the Hono^{ble} Coll John Addison & James ffrisby Esq^r be appointed to joyne with the two Members of

the House, to be a standing Committee to Examine And Audite ^{Original} the Acco^{ts} in the Message Mentioned. Message to the said ^{Journal.} purpose sent to the house by the Hono^{ble} Cap^t John Courts.

Adjourne till to Morrow Morning.

Tuesday October the 9th 1694 :

Councill again Sate & were present as before
Except M^r Brookes.

Read the following Vote of the house, delivered at the Board as follows Viz^t

By the Assembly October 8th 1694.

Voted whether Coll Henry Darnall his Lopps Agent & his Clarke shall not have free accesse to the Records of the Land office without paying any ffee for the same. Carryed by the Majority of Votes that the said Darnall his Lopps Agent or his Clerk haue ffree recourse to the Record of the Land Office wthout paying any ffee.

His Hono^r S^r Thomas Laurence does say that he is con- ^{p. 35}cerned in this Matter & that the Act of Assembly of this Province has settled proper ffees for all Copyes & searches there had, being Records now Remaining with him in his Custody, but does Offer that Coll Darnall his Lops Agent or any of his Clerks may at any time come to the Land Office & in the presence of his Hono^{rs} Clerk draw out what he shall Require for his Lops Use.

And that he will Respit takeing any ffees, for all such searches & Copyes Untill his Maj^{ties} pleasure be knowne therein:

Ordered that Coll Darnall be sent for to know what he has to say, whoe accordingly appeared, & was again read the former vote of the house; his Hono^r the Secretary again makeing the same Offer. Whereupon Coll Darnall did desire the Opinion of the Board as to the Vote of the house in the premisses and soe with drew. Upon debateing whereof his Hono^r S^r Thomas Laurence desired that the Hono^{ble} the Sollicito^r Gen^{ls} Report of the 23th of ffeb^{ry} Anno 1693 relateing to the Lord Baltemore & produced at this Board before his Ex^{ncy} S^r Edmond Andros in Councill the 2^d of October following, the Latter part of which Relateing to the Land Office being Read, his Ex^{ncy} made demand whether any thing had been done pursuant to the said Sollicitor Gen^{ls} Report & his Maj^{ties} Order in Councill thereon or noe, Viz^t

Original Journal. As to the keeping those Records of the Land Office, but noething as to that done could be made appeare.

Ordered that M^r LLewellin & M^r Taylard attend this Board to Morrow Morning to give upon Oath If they have delivered all publick papers left in their Custody; And that M^r LLewellin be Required to make a Record of all Covncill proceedings passed in the late Govern^r Copley's time.

His Ex^{ncy} does demand the Opinion of the Board relateing to the aforementioned Vote of the house & after a long debate about the same Resolved that a Conference be had wth the house of Burgesses this night therein, & that Coll Darnall be present at the said Conference, as alsoe that inquiry be made about the Originall Laws passed in Governor Copleys time. Message Drawne up to the said End & purpose & sent by Coll Browne.

Coll Addison & M^r ffrisby goe out upon the Comittee yesterday appointed.

p. 36 Ordered that Warrants Rend & Land taken up by Vertue of the same since the Revolution, be consulted in the said Conference.

Coll Jowles & Coll Robotham goe out upon the Comittee of Laws.

Message from the house by Cap^t Dent Maj^r Dorsey M^r Hutchinson & M^r Hinson, Cap^t Dent does say that they have had in Consideracōn the proposall about the Style to be given to the present Laws, And doe humbly conceive that the Style given to the Laws made in Govern^r Copleyes time may be most proper & suitable;

Thereupon his Ex^{ncy} Ordered his Maj^{ties} Royall Comission to him to be produced, the which was accordingly done & Read the Clauses therein Relateing to calling Assemblies & Enacting Laws his Ex^{ncy} & this Board being of Opinion that such a Style as the house proposes does noe wayes suite with the words of the said Comission & thereupon willed the said Messingers to take his Ex^{ncys} Comission to the House for their peruseall and further satisfaction, whoe accordingly tooke the same and went

M^r Randolph appeares at the Board

Cap^t Dent And the Other Members late sent from the house Returne again wth his Ex^{ncyes} Comission & the following Message viz^t

By the Assembly October 9th 1694:

Original
Journal.

May it please yo^r Ex^{ncy}

Wee haue by a verball Message this day signified to y^r Ex^{ncy} the sence of this house as to the Stile of the Laws of this province now (by the favour of God to be passed) Wee haue by the same Messingers understood yo^r Ex^{ncys} Intimation Relateing to the same & haue read th^t Clause in your Ex^{ncys} Co^mission for makeing of Laws for w^{ch} honor Done us by y^r Ex^{ncy} therein Wee Returne you our most dutyfull Thankes Wee beseech your Ex^{ncy} to believe that next to God their Ma^{ts} & our Countrey not only your Co^mands but your very Intimations hath the Chiefe Co^mand in our hearts w^{ch} upon all occasions wee shall readily manifest, And most sorry wee are that after all our Endeavours wee can not wth out violence to our Reasons receed from our Opinions in continueing the Laws of this assembly in the same Stile as the last was (viz^t) in their Ma^{ts} name being what wee humbly Conceive most agreeable to the former Laws and to all writts precepts & process of their Maj^{ties} in this province, Even the writts by which this Assembly was convened & wth humble Submission to your Ex^{ncy} therein wee humbly conceive not disconsonant or ag^t the Tenor of yo^r Ex^{ncies} Co^mission, Wee therefore humbly pray yo^r Ex^{ncy} to permit those Laws to pass under the same Stile as the former was Untill their Maj^{ts} pleasure may be further Imparted to your Excellency in the premisses

Signed p Ord^r

Cleborne Lomax Clk Assembly.

The house sent a Co^mittee of Tenn persons to meet p. 37 according to the Conference appointed relateing to the Land office (Cap^t Dent being Chaireman) And thereupon produced again the Hono^{ble} the Solicitor Gen^{lls} Report & Read the latter Clause relateing thereto.

S^r Thomas Laurence Offers the Proposall before made in the morning & Thereupon Ordered that Coll Darnall be againe sent for to know whether he will agree to the said proposall whoe accordingly appeared His Ex^{ncy} does demand of the said Coll Darnall whether he will accept of the said proposall to which he makes Answer that the same question was put in the Morning & that he desired the Opinion of the Board therein, to which was answered that the proposall made did seem but Reasonable & therefore, willed him to Consider of it; whereupon Coll Darnall did desire to know whether he should have Recourse to the Records of the Land Office for to Settle the Rent Roll by alone, to which was answered that he might have Recourse to that Office & the Records therein for

Original
Journal. any thing provided he did not charge the Subject wth any ffee, whoe makes Answer that he shall Charge noething to the people, save for searches to Recompence his Troubles not Requireing any Coppyes of Certificates; Agreed upon that there be noe ffees taken on either side but that an Acco^t be kept of the same till his Maj^{ties} pleasure be knowne therein and that a Recipricall Law be made that if the same be awarded to S^r Thomas Laurence, he may have Execucōn therefore, But if to his Lo^p that then his Agent doe Receive the benefit thereof His Ex^{ncy} proposes for the further settleing of Land Affaires that if his Lops Officers for Surveying & Resurveying of Land will qualifye themselves according to Law that then the said Officers may be the Gen^l Surveyo^{rs} for the whole province (by Reason that if the same should not be done by his Lo^{ps} Surveyo^{rs} the people would not have the benefit of takeing up the Surplusage Land) the said Surveyo^{rs} giving security to the Governm^t for the same & thereupon M^r Richard Smith his Lo^{ps} Surveyo^r Gen^l was sent for and Acquainted therewith to Consult & advize about the same.

p. 38 Read the following Bill delivered at the Board Viz^t An Act for Tunnage & ascertaining Navall Officers ffees Resolved that a Conference about the same with the house be desired and that the Navall Officers and Collectors doe set up in their severall & Respective Offices a Table of ffees which shall be ascertained and Settled upon them by an Act of this province this p^sent Assembly, to be fairely Writ out & Signed by his Hono^r the Secretary or Deputy for the time being and that a penalty be inflicted upon the Officer exacting aboue those ffees Assessed

Adjornvne till to Morrow Morning

Wednesday October 10th 1694.

Covncill again Sate & were all present Except Coll Browne His Ex^{ncy} acquaints the Board that by the Hono^{ble} the Sollicit^r Gen^{ls} Report & his Sacred Maj^{ties} Order in Covncill thereon, Read yesterday at this Board; the Records of this province w^{ch} are of publick Vse to preserve the Inhabitants Title to their Lands should be kept vnder the Custody of the Govern^r; therefore a Conference with the House is desired about the same, where is the properest place to keepé the said Records in seeing his Maj^{ty} has noe House for the Governo^r nor fortified place

Coll Browne appeares at the Board.

Ordered that Coll Henry Darnall his Lo^{ps} Agent have free Access & Recourse at all times, either by himselfe or any

person or persons he shall Employ to the Records of the severall County Courts within this province, with liberty of Takeing from the said Records an Acco^t of all Alienations of Lands there passed in order to the well settleing his Lops Rent Roll upon the same Termes as agreed upon with his Hono^r S^r Thomas Laurence about the Land Records.

Bill for the Reliefe of the Credito^{rs} & Legatees of Marke Cordea dec^d Read & Ordered to be Considered at the Conference.

Act for Ports Read:

Wee are of Opinion that Longer time be given at least 12 Months and that persons be not obliedged to buy & Sell at Townes &^{ca} & noe where else.

Wee are likewise of Opinion that there be but one place in every County w^{ch} shall be a proper port for all Ships & Vessells to Load & unload at Unless upon Absolute Case of Necessitty for feare of the worme or otherwise, & that the said Shipp &^{ca} be Obliedged to take in all their Loading at any one or more of those ports provided therebe Sufficient Dwelling & Store houses built for to Containe all such Goods at every port soe appointed by the time p^rfixed. p. 39

That there be noe thing put in the Law for ports but the thing it self And as for Ascertaining the Lots & Titles to the same to be Referred to the former Law. The forfeitures &^{ca} one third must goe to his Maj^{tie} for Support of Governm^t one third to the Vestrey & one third to the Informer and that for Loading as well as unloading &^{ca}

That Debts Contracted from the Dates of the Townes take place and not other wise.

That where there is a Church to be built or prison that the same be built in such ports & that at every one of the said ports there be a Kings Collector or his Lawfull Dep^{ty} & a Navall Officer or his Lawfull Dep^{ty}

Came M^r John LLeuellin & made Oath before his Ex^{ncy} in Councill that he had delivered up all Councill papers that were ever lodged with him according to the best of his Remembrance and knowledge; as alsoe all other publick papers save some papers belonging to the prov^l Office, relating to the Notary Publick & that he is now entering some Certificates the w^{ch} when finished he will deliver up.

Read the following Representation of Severall Gentlemen of the Councill as alsoe of the Hono^{ble} S^r Thomas Laurence by them severally Subscribed to, the w^{ch} were Ordered to be Entered in this Journall Viz^t

Original Journal. To his Ex^{ncy} Francis Nicholson Esq^r Cap^t Gen^l and Govern^r in Chiefe of their Maj^{ties} Province of Maryland.

The Humble Representation of their Maj^{ties} Hono^{ble} Council of this Province.

Humbly Sheweth :

That Whereas upon the death of the Late Govern^r Copley Esq^r and an Assembly being then Called whoe in some time after Accordingly met at Sn^t Maryes but because their Maj^{ties} Covncill were not vnanimously Agreed in whome the president Shipp of this Council then Rested whither in the Hono^{ble} S^r Thomas Laurence Barron^t their Maj^{ties} Secretary & first Councillor Named (or otherwise) in regard the said Governor
 p. 40 Copley had Suspended the said S^r Thomas & Coll Henry Jowles from the said Covncill & The Hono^{ble} Ne^a Blackiston being next to the said S^r Thomas & Coll Jowles named in the said Covncill by vertue thereof & of the said S^r Thomas & Coll Jowleses Suspension claimed the president ship as afd & altho' the Majority of the said Covncill were agreed and Resolved that the Right of the presidency did by their Maj^{ties} Comission & Instructions belong & appertaine to the said S^r Thomas, Your Ex^{ncy} whoe by your Comission of Lievetenancy of this Province by the said Copleys death became Comander in Chiefe being then Absent out of this Province & accordingly their Maj^{ties} Covncill or the Majority were resolved in a small time to Joyne with the said S^r Thomas as their president or head in Order to treat wth the Assembly then met as af^d as by the following Clauses in the Journall of the said Assembly Contained Appeares Viz^t

Saturday September 23th 1693.

The House Resolve themselves into a Grand Comitte to goe upon the Conference yesterday appointed and doe order and Constitute M^r Kenelm Cheseldyn Chaireman thereof.

The said Comitte Returne to the State house where M^r Speaker reassumeing the Chaire Signified to the house that the Covncill had acquainted him with their Receipt of a Lett^r from S^r Edmond Andros which specified his haveing a Comission for the Governm^t in Case of Govern^r Copleyes death & therefore thought the Conference needless & withall desired the Speaker to make knowne the same to the house.

The said Mentioned Lett^r was brought by M^r Sherlock Clerk of the Covncill of Virg^a from his Ex^{ncy} S^r Edmond Andros their Maj^{ties} Govern^r of Virginia & delivered the 23th of Septemb^r 1693 unto the Hono^{ble} S^r Thomas Laurence Baronet president of Maryland & by him Comunicated to

their Maj^{ties} Covncill, Runing in the following words & Original Journal.
Directed as follows.

ffor their Maj^{ties} Speciall Service
E Andros

To
The Hon^{ble} the Gentlemen of their Maj^{ties}
Councill off Maryland.

Hono^{ble}

Haveing Received the News of the Death & loss of your Govern^r this is to Condole it And Acquaint you that haveing his Maj^{ties} Comission Comāding on the Vacancies my present Services in their Maj^{ties} province of Maryland I am now in my Way thither and desire the Gentlemen of their Maj^{ties} Councill to meete at Sn^t Maryes upon Munday the 25th Instant to Attend my Comeing & communicateing to you my said Comission in Order to their Maj^{ties} further service I am

P. 41

Gent

Your Affectionat ffreind

Virginia the 21^t Sep^t 1693:

To the Hon^{ble} their Maj^{ties} Councill in Maryland.

After peruseall whereof they finding the said Letter not to be Subscribed to by any person the Gentlemen of the Covncill then present sent for M^r Sherlock whoe brought the same, of whome they inquired if he knew any thing whye the aforementioned Letter was not Signed to which the said M^r Sherlock Answered that he did belive it was an over sight but that his Ex^{ncy} would be here in person to make that defect good.

Yet notwithstanding the Receipt of the said Lett^r & Comunicacōn of the same to the house of Burgesses afd the Covncill and Burgesses still mutually agreed to Entertaine the said Conference as by the following Clauses in the Aforementioned Journalls of Assembly contained likewise appeares, Viz^t

Debated whether the Conference shall goe on or noe, and voted accordingly & Carried in the affirmative.

Ordered that a Message be Drawne up & sent to the said End & purpose which was done as follows Viz^t

By the House of Assembly September 23th 1693:

Vpon M^r Speakers makeing Report to the house of S^r Edmond Andros Comission to succeed in the Governm^t in Case of Govern^r Copleys Death the house are notwithstanding Desireous to goe on in the Conference this Morening

Original appointed for Satisfaction of the Legallity of their power
Journal. according to the Kings Comission and was likewise soe voted
by the house. Signed p Ord^r

Hen Denton Clk Assembly.

p. 42 M^r Dent M^r Whittington & M^r Mitchell sent upon the said
Message They Returne Back & Say they delivered their
said Message & that the Councill acquainted them they would
Entertaine the said Conference on Munday Morning by Eight
of the Clock

Munday September 25th 1693.

M^r Dent & M^r Whittington sent to the Covncill to Signifye
to their Hono^{rs} that the House is Ready to Enter upon the
Conference this day appointed & agreed upon.

The Messingers Returne & say they delivered their said
Message to the Covncill whoe for Answer Returne that they
will send the house notice when they are ready for the Con-
ference.

Coll Hutchins comes from the Councill & sayes they are
ready to admitt the house to the Conference.

The House thereupon Resolve themselves into a Grand
Comittee & Choose M^r Cheseldyn Chaireman thereof & soe
goe up upon the said Conference.

The Governor of Virg^a comeing in the Interim occasioned
the said Conference to be deferred, and thereupon they
Repared to the State house againe.

Whereupon some short time after his Ex^{ncy} Landed his
Ex^{ncy} produced the following Comission to the Board, Viz^t

William R:

William & Mary by the Grace of God King & Queen of
England Scotland ffrance & Ireland defenders of the ffaith
&^{ca} To our trusty & well beloved S^r Edmond Andros Knight
our Lieveten^t & Govern^r Gen^{ll} of our Colony & Dominion of
Virg^a in America Greeting whereas by our Comission under
our Great Seale of England beareing Date the 27th of June in
the third yeare of our Reigne wee have thought fit to Consti-
tute & Appoint our Trusty & Well beloved Lionel Copley Esq
our Cap^t Gen^{ll} & Govern^r in Chiefe in & ouer our province
& Territory of Maryland in America & whereas by our
Comission under our Signet & Signe Manuall Wee haue
appointed our Trusty & Well beloved Cap^t ffrancis Nicholson
to be our Lieveten^t Govern^r of our said Province & Territory
Wee Reposeing Especiall Trust & Confidence in your Loyalty
Courage & Circumspection, doe by these presents consti-

tute & Appoint you the said Sr Edmond Andros upon the death of the said Cap^t Francis Nicholson & in the Absence of the said Coll Lionel Copley to be Comander in Chiefe in & ouer our said Province & Territory of Maryland To have hold Exercise & Enjoy the Office and place of Comander in Chiefe of our said Province & Territory of Maryland for & dureing our pleasure, with all the Rights priviledges, profits, And Advantages to the Same belonging and Appertaining in Case of the Death of the said Cap^t Francis Nicholson and Absence of the said Coll Lionel Copley as af^d with full power & Authority to Execute & performe all and Singular the powers & directions Contained in our said Comission to the said Coll Lionel Copley & such Instructions as wee haue already or shall hereafter from time to time send to him And wee hereby Comand all & Singular our Officers, Ministers & Loveing Subjects of our said province & Territory and all others whome it may Concerne to take due Notice hereof & to give their Ready Obedience accordingly Given at our Court at Kensington the Third day of March 169½ in the ffourth Yeare of our Reigne.

Original
Journal.

p. 43

By his Maj^{ties} Comand
Nottingham

The Comission being Read and the Gentlemen of the Councill observing the words of the said Sr Edmonds Comission to be Contrary as to the Death of Cap^t Francis Nicholson & the Absence of his Ex^{ney} Coll Copley Offered that as a Reason whether the s^d Sr Edmonds Comission ought to take place or not at w^{ch} Sr Edmond seemeing Uneasey asked where Cap^t Nicholson was, saying he was dead to us; it was thereupon Mooved that it might be Laid before the Assembly for their Opinion therein upon which the said S Edmond Layd the Comission downe on the board & asked whether wee would Submitt to the Kings Comission or not, upon which the Covncill not knowing what Constructions their Maj^{ties} might be pleased to make upon the said Comission & being not well acquainted wth matters of that nature, & for the quiet & Satisfaction of all persons concerned, their Maj^{ties} said Councill after intimacon & Caution to the said Sr Edmond of the uncertainty of the words of his said Comission were for the Reasons afd induced to permitt the said Sr Edmonds Access to this Governm^t whoe accordingly tooke upon him the same, Afterwards Viz^t 26th of September Anno 1693 Message Came from the house of Burgesses & is Expressed in the Journall thereof as ffollows.

Original
Journal.Tuesday September the 26th 1693.

p. 44

M^r Dent, M^r Hamond, M^r Tasker, M^r Jones, M^r Harris and M^r Greenfield Sent up to the Councill to desire an Answer to the former vote of this house concerning the Constitucōn of the Governm^t whereof their Hono^{rs} haue had already a Coppy.

They Returne & say they delivered their Message in Charge given them

Message from the Councill by M^r Tench w^{ch} was Expressed in the words following Viz^t that his Ex^{ncy} Comādes the Memb^{rs} of this Hono^{ble} House to Attend him at the Councill Chamber immediatly.

M^r Speaker thereupon together with the Rest of the houses Memb^{rs} goe up to the Councill Chamber accordingly where being admitted his Ex^{ncy} was pleased to Acquaint them that their Maj^{ties} had Comitted the Care of the Governm^t (in the Absence of Coll ffrancis Nicholson) unto him, and that thereupon he had Continued all Officers Military & Civill in their former Station, untill further Order the which he had Signified by his proclamacōn & beat of Drum his Ex^{ncy} likewise expressing himselfe to be Glad to see soe many Gentlemen together that had been instrumentall in the makeing soe many good Laws in this province but with all Told them that he had noe further Occasion of their p^{rsent} Assistance therefore he declared that in their Maj^{ties} names he did Dissolve them, & that accordingly they were dissolved, for Reason of which unexpected Dissolution & because of the Uncertainty of the Words of the said Comission & Manifest variance betwixt the said Comission & proclamation as by the same (Runing in the following words) appeares Viz^t

By his Ex^{ncy} a Proclamation

Maryland ss.

Whereas by the Death of his E^{ncy} Lionel Copley Esq^r their Maj^{ts} Late Cap^t Gen^{ll} & Govern^r in Chiefe in & over this their Province of Maryland and the Absence of Cap^t ffrancis Nicholson their Maj^{ts} Lieveten^t Govern^r of the same, The Chiefe Comānd & Governm^t of the said Province is Comitted to the Charge & Conduct of S^r Edmond Andros Kn^t (their Maj^{ties} Lieveten^t & Govern^r Gen^{ll} of their Colony & Dominion of Virginia) by their Maj^{ties} Royall Comission under their Signet & Signe Manuall beareing Date the third day of March 169½ in the fourth yeare of their Reigne to me directed, wth

p. 45

Relation to their Maj^{ties} Comission to the said Lyonel Copley made Letters patents beareing date the 27th day of June in the third yeare of their Reigne, and their Comission to the said ffrancis Nicholson vnder their Signet & Signe Manuall

bearing date the 24th day of february in the fourth yeare of their Reigne, produced & read to and by their Maj^{ties} Covncill of this Province this day in Councill Siting I have (by & wth the Advice of the said Councill upon my Accession to the Comānd & Governm^t af^d thought fit to proclame & declare and doe hereby publish & make knowne that all & Singular their Maj^{ties} Magistrates Ministers & Officers Civill & Military within this Province are & doe Stand and Remaine continued & Confirmed in their Respective places and Offices af^d untill further Orders hereby Strictly chargeing & Enjoyneing them & every of them respectively to Execute and performe the Duty of their Respective places & Offices af^d as formerly they haue or ought to haue done, Willing alsoe & Comāding all & Singular their Maj^{ties} Loveing Subjects of the said Province and all others whome it may Concerne to take due Notice hereof & yield all ready Obedience thereunto as they will Answer the Contrary at their perills, To w^{ch} End I doe straightly Charge and Comānd all & Singular the Sherriffes of the respective Countyes of this Province to make publick proclamacon hereof in the most publick & Convenient places within their Respective Countyes.

Given at the Citty of Sn^t Maryes the 25th day of Sep^{br} Anno Dom 1693 in the fifth yeare of the Reigne of our Sovereigne Lord & Lady King William and Queen Mary

E Andros

God Save King William & Queen Mary

And for that the said S^r Edmond did not upon his Entrance to the said Governm^t take the Oath of Trade & Navigation nor administ^r or Direct the same to be Administred to Coll Nicholas Greenberry by him left as president nor to S^r Thomas Laurence at his next Comeing for the due & Strict Observance of the Sev^rall parts of a Certaine Statute of England made in the 12th yeare of King Charles the Seconds Reigne Entituled An Act for the Encourageing & Encreaseing of Shipping & Navigation as by the said Act is Comāded enjoyned & Required Wee haue thought it necessary to promote a Certaine bill to this present Gen^{ll} Assembly To be humbly Offered to their Maj^{ties} for their Royall assent To Confirme & Ratifie all pceedings Judiciall Military & Civill from the Death of the said Govern^r Copley to y^r Ex^{ncies} Arivall to this Governm^t

Wee therefore Humbly Move your Ex^{ncy} not only to accept of this our true & Just Representation of the premisses but that you will be pleased to Joyne wth us who in all becoming & Loyall Humillity desire to Lay the Same before their Maj^{ties} praying their Gracious & Royall assent to the said Bill

Original Journal. or Act of this Assembly and that their Maj^{ties} will pass a gracious construction of what wee with true & Loyall hearts & Sincerity to their Service haue permitted & Consented to in the premisses.

And they shall Ever pray &^{ca}
 Nich Greenberry
 Charles Hutchins
 David Browne
 Thomas Tench
 John Addison
 Tho: Brooke

And S^r Thomas Laurence doth humbly Represent in his own behalfe That on the 25th day of September when S^r Edmond Andros produced his Comission in Councill upon the Reading thereof S^r Thomas Beleiveing that S^r Edmond was authorized by their Maj^{ties} to take the Governm^t of Maryland upon the Absence of Coll: Copley & the Death of Cap^t ffancis Nicholson then Lieveten^t Govern^r which termes are twice Repeated in the said Comission Speakeing then first in Councill did put the question whether S^r Edmond and the Board were Satisfyed or any wayes assured That Coll Nicholson was dead ; upon which Question S^r Edmond Seemeing much vneasy S^r Thomas did further add that it was a proper Question for that if S^r Edmond had not Come into Maryland with that Comission their Maj^{ts} Authority did fully Subsist in Maryland upon their Comission Given to and Executed by Coll Copley lately deceased & which in Case of his Death if noe person particularly Commissionated by their Maj^{ts} did Devolve upon their Maj^{ts} Councill untill their pleasure were further Knowne.

p. 47 But the Members of their Maj^{ties} Hono^{ble} Covncill Being unanimously of Opinion That S^r Edmond Andros his s^d Comission ought notwithstanding to take place S^r Thomas did acquiesse not thinking it fit to Enter any particular dissent to the Gen^l Sence of the Hono^{ble} Board Least he might seem to shew a Spirit of Opposition to the concurrent opinion of the Covncill And which hoped under soe Experienc^t a Govern^r as S^r Edmond Andros might yet prove most Advantageous to their Maj^{ties} service

Wherefore for whatsoever fault he may haue Comitted by such his Consent he Obediently Submits himself to his Maj^{ties} Judgm^t and Most Humbly Begs his pardon.

Thomas Laurence

Then was Read the following Bill Viz^t

An Act for confirming all Judiciall proceedings &^{ca} from

Govern^r Copleys death Untill the Arrivall of his Ex^{ncy} ffra: Original
Nicholson Esq^r Ordered that the said Bill be sent to the Journal.
house the which was accordingly done by the Hono^{ble} Coll
Jowles Coll Robotham Cap^t Courts M^r ffrisby & Esq^r Ran-
dolph.

They Returne and Say they delivered the same.

Post Meridiem

Petition of M^r Richard Smith of Calvart County Relateing
to Armes taken from Mattapany &^{ca}

Ordered that the same be referred to the house of Bur-
gesses for their Consideracōn

These following Bills Returned again to the house Viz^t

Act for Ports.

Act about Navall Officers ffees.

Act for the Reliefe of the Creditors of Marke Cordea Dec^d

Adjourne till to Morrow Morning

Thursday October the 11th 1694.

The Councill Sate and Were present as Yesterday.

Except

Coll Greenbery Coll Hutchins & Coll Browne.

Coll Addison produces to the Board the following persons
Receipts for Tobacco paid them pursuant to an Order of his
Ex^{ncy} S^r Edmond Andross & Councill the day of p. 48
for w^{ch} he then Rec^d Caution for the same to the Sum^e of
Ninety Six pounds St^{rl} Ordered out of the ffour pence p Gall:
Cap^t Brightwell Attesting the said payments in Covncill Viz^t

Cap ^t Richard Bright Well	5000 ^l of tob ^o
John Conway	2772
Robert Kent	3000
Stephen Sumpter	3000
William Thompson	3000
Richard Burke	3000
John Baker	3000
ffrancis Durham	3000
ffrancis Warner	3000
John Green	1329

The said Coll John Addison does say that what Tobacco is
left still vnpaid he is ready to pay & Satisfye.

Original Journal. Petition of Henry Denton, John Boomer & Thomas Hebb ab^t allowance for publick services done, the which being Read, it was Ordered That a Conference be had wth the house to know how publick Acco^{ts} shall be proved & to take care that all due Arreares be paid.

Ordered that Edward Randolph Esq^r be Joyned to the Com̄ittee of Laws & Acc^{ts} in stateing the Revenue &^{ca}

The following Bills Read, Viz^t

An Act for the Laying an Imposition on Severall Comōdities exported out of this Province.

They are of Opinion that the Imposition put upon the furs is too great & therefore propose that halfe the said Duty be put upon the Inhabitants and double upon the fforreigners Excepting merchants from England & their factors here Resideing or Comeing hither.

A Clause to be Added to the said Law to Empower any Navall Officer or his Deputy to goe on board any Ship or Vessell and Breake open any Lock pack or Truss &^{ca} to search for all concealed Goods &^{ca} or to search any house by the same power.

A Supplementary Act to the Act concerning Water Mills; it is proposed that a Sixth part be allowed for grinding Wheat as formerly otherwise it is thought there will be noe wheat ground. The said Bills & Remakes thereon delivered by Order to the Clerke of the house of Burgesses by the Clerk of this Board.

p. 49 The House of Burgesses Message of the 9th of October Relateing to the Stile of the Laws, was produced at the Board & taken into Consideracōn. Ordered that Answer to the same be Drawn up, which was done as follows Viz^t

By his Ex^{ncy} the Govern^r &^{ca}

October the 11th 1694.

The Message of your house of the Nineth past by Cap^t Dent Maj^r Dorsey, M^r Hutchinson & M^r Hinson was this day Read in Covncill, for which his Ex^{ncy} Returnes you his thanks for the good Opinion the house does conceive of him, and is willing at present for their Maj^{ties} Service & to the End the Countreys business may not be delayed that the Laws now to be passed, may Rune in the same style as the Laws which were made in Govern^r Copleys time.

Signed p Ord^r

Hen Denton Clk Councill.

Adjourne till to Morrow Morning.

ffryday October 12th 1694.

Original
Journal.

The Councill againe Sate & were present all

Ordered that what Business stands Referred to be Consulted in a Conference with the house be Drawne forth & sent with a Message to the said End & purpose to meet in the Afternoon

Viz^t

About the Act for Tunnage & ascertaining Navall Officers ffees, about the Records of the Land Office to know where is the prop^{er}est place to put the same in &^{ca}

About the Bill for the Reliefe of the Credito^{rs} & Legatees of Mark Cordea dec^d & likewise other proposalls then to be Offered.

Message Drawne up to the said Effect & Sent, together wth the Message relateing to the Stile of the Laws by Coll Jowles & Coll Robotham whoe went upon the Com^{it}tee of Laws.

Read a petition of M^r Gerrard Vsweringen, praying for allowance for the Use of the Councill Roome being Read was Recomend^{ed} to the house of Burgesses for their Consideracon & sent as aboue.

The Hon^{ble} Thomas Tench Esq^r Coll John Addison & Edward Randolph Esq^r goe forth upon their Charge.

Post Meridiem

p. 50

Petition of the Inhabitants of the South Side of Patapscoe River being Returned to this Board with the vote of the house thereon, the Board doe Concurr therewith, The said Vote Ru^{ne}s in these words, Viz^t

By the Assembly October 3^d 1694.

The within petition Read & Considered

Voted whether the South Side of potapscoe River be aded to the County of Ann Arrundell or Remaine still as it is, Carried by the Majority of Votes to remaine still as it is.

Cleborne Lomax Clk Assembly.

M^r Speaker with the members of the house, come up to the Conference this day appointed.

The Act for Tonnage & Navall Officers ffees, being Debated was agreed upon to be altered according to the former proposalls of this Board.

The next thing taken into considerac^on was where the best place might be found to keep the Records of the Land Office in his Ex^{ncy} telling them that they had before them the Right

Original Journal. Hono^{ble} the Solicito^r Gen^{ls} Report relateing to the same therefore willed them to give some Answer thereto to which M^r Speaker in the Name of the Rest of the house Makes Answer that they humbly conceive that the said Records were always in the Custody of the Secretaries of this Province & haue hitherto been well preserved, therefore the house are of Opinion that the same still be best preserved where they are notwithstanding the said Report considering their Maj^{ties} haue noe particular ffort or place here within this province to preserve the said Records in Resolved that the same be debated by the house of Burgesses to Morrow & that the Law which settles ffees to the hono^{ble} the Secretary for granting Warr^{ts} for Land & Recording Certificates & issueing patents &^{ca} be then likewise consulted.

Act for Reliefe of the Creditors & Legatees of Marke Cordea dec^d Referred to be considered by M^r Attorney Gen^l whether the same does not come under statute of Mortmaine & soe lyable to fall either to the King or my Lord & that he Make Report thereof accordingly.

p. 51 Proposed that a Surveyo^r Gen^l be appointed for the Governm^t whoe shall qualifye himselfe by Law & Give security for his Deputyes one to be placed in each County for Resurveying All Lands where differences arise at Law about titles of Land & that such Dep^{ties} be Obliedged to keep within their owne Countye in Executeing their Office & to be qualified & Sworne as af^d Agreed to be Considered of in the house.

Demanded where the Originall Laws made in Govern^r Copleys time were & Answer was made that by Mistake it is believed they were sent for England, concluded that the same be Debated in the house of Burgesses to Morrow Morning & that a further Debate & Answer be made to the Supplye of New Yorke.

That Collectors ffees be settled by a Law as well as the Navall Officers. Coppy of the severall Remarkes made by the Councill in the Act for ports was Transcribed by the Clerke of the house of Burgesses by Order for the Consideracōn of the house.

Adjourne till To Morrow

Saturday October 13th 1694:

Councill again Sate & were all present

M^r Attorney Gen^{ls} Report to this Board upon the Petition of Thomas Courtney formerly here Read Ordered that the said peticōn & Report be Referred to the house of Burgesses for their Consideracōn

Message from the house by Cap^t Dent M^r Hutchinson M^r

Hutchins & Cap^t Thompson whoe say that they haue brought severall Bills which haue been Read both in the House of Burgesses & here & that the severall Amendm^{ts} Recomended are made & soe they proceeded to Engrossing the same & haue since again been Read & passed the houses Assent, and are now presented for the Assent of their Maj^{ties} Hono^{ble} Covncill.

Original
Journal.

Read an Answer of the House of Burgesses to a certain Address made by the Major, Recorder, Aldermen & Common Covncill Men to his Ex^{ncy} in Covncill about Removeing the provinciall Court from S^{nt} Maryes, which said Address and Answer is as follows Viz^t

To his Ex^{ncy} ffrancis Nicholson Esq^r Cap^t Gen^{ll} and Gov^r in Chiefe in & over this their Maj^{ties} Province and territory of Maryland.

The Humble Address of the Mayo^r Recorder Aldermen p. 52
Common Councill men and ffreemen of the City of S^{nt} Maries in the said province.

And principally from the bottom of their hearts they congratulate your Ex^{ncys} happy accession to this your Governm^t and sincerely pray for your peaceable and quiett enjoym^t thereof and long & prosperous continuance therein for the glory of God their Maj^{ties} Service the Good and benefitt of their Subjects and your owne particular comfort and Satisfaction.

ffrom whence they proceed humbly to Supplicate y^r Ex^{ncies} grace and ffavour in granting and Continving to them their antient ffranchises rights & priviledges granted them by their Charter with such other benefitts and advantages as hath been accustomed and usually allowed and from time to time confirmed to them by y^r p^rdecesso^{rs} Governo^{rs} and Rulors of this province humbly Offering and proposeing to y^r Ex^{ncyes} these following reasons as motives induceing therevnto (Viz^t)

Imp^{rs} As that it was the prime and originall Settlem^t of this Province and from the first Seateing thereof for aboue Sixty yeares hath been the Antient and Chiefe Seate of Governm^t

2 In consideracōn whereof the Lord Baltemore by his Lett^{rs} pattents did incorporate and constitute the same a City wth Severall immunityes rights benefitts and priviledges thereunto belonging aboue and beyond all other parts and places of the province.

3 The Scituation in it Selfe is most pleasant & heathfull and naturally commodious in all Respects for the purpose, being plentifully and well watered with good and wholesome Springs almost encompassed round with Harbour for Ship-

Original Journal. ping where ffive hundred Saile of Shippes at Least may securely ride at Anchor before the City, haveing alsoe most sutable and convenient points of Land and proper places for Erecting and building of fforts block houses and Other ffortifications and Edifices for the Security and Defence of such Shipping, the keeping and preserveing the publick Magazine and the Records of the Province.

p. 53 4 And as such and for divers other reasons then appeareing in the yeare 1662 a convenient part or portion of the said Land was by the representative body of the province bought and purchased for the building of a State house and prison and twelve yeare after to wit Anno 1674 his Lspp: by and with the advice and consent of the representative body of this province passed An Act for the building of a State house and prison in the said place w^{ch} cost the Countrey at that time three hundred and thirty thousand pounds of tobacco

5 That the Inhabitants of the said City themselves for their further security in haveing the Courts of judicature and other publick Offices and meeteings continued among them humbly mooved his Lsp: wth their free Offering of one hundred thousand pounds of tobacco towards the Erecting and building for his Lspp a dwelling house at West Sn^t Maries convenient & adjacent to the s^d City w^{ch} Sum^e of tobacco they duely and punctually paid and complied with.

6 His Lspp notwithstanding to gratifie the Request of Some persons & Studying the ease and conveniency of the people according to some motives to him then made, did in the yeare 1683 remove the Records together wth the Offices and Court of Judicature, as also the Assembly then convened, to the Ridge in Anne Arrundell County whereby the Inhabitants in those parts finding themselves greivously burdened and altogether incapable to make provision for soe greate a Concourse of people became Suitors to his Lsp to remove to some other place w^{ch} accordingly he soone after did to Battle Creeke in Pettuxen River, where the provinciall Court after it had continued for the space of three dayes, onely were (for want of necessary accomodations) obliged to breake up abruptly; great part of their business unfinished.

7 After all his Lsp haveing made tryall of the most probably convenient places for the holding of his Courts of Judicature and other public Meeteings as afd found the same altogether incommodious and most inconvenient and at last by the Advice of his Covncill found himselfe obleiged to returne to the first and antient place of Sn^t Maries.

p. 54 8 And for the encouragem^t of the Inhabitants of the same, & the better to Enable them to make provision for the accomodation of such persons as should have occasion to

apply themselves there in times of Assembly Provinciall Courts or otherwise his Lsp was pleased to Signifie to the Corporation under his hand his promise and full assurance of continuing the same, and not to be removed thence dureing his life.

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Journal.

9 Upon w^{ch} Encouragem^t given Severall of the Inhabitants of the s^d City haue lanchd out and disbursed considerable Estates to their great impoverishm^t and almost utter ruine if they should be defeated of such their promised encouragem^t and not onely soe but divers others the Inhabitants for severall miles about, contiguous and Adjacent to the s^d City upon the same Encouragem^t of his Lsp have seated themselves upon meane indifferent lands and layd out their Estates and made emproovem^{ts} thereon barely for the raising of Stocks wherewith to Supply the said City for the End and purpose afd w^{ch} is now become their whole and onely dependance for their future Support and maintenance.

10 The City of Sn^t Maries scituated as afd is undeniably the most convenient Port or place for all Masters of Shippes or other persons whatsoever at their arrivall into or goeing out of the province to make their application to his Ex^{ncie} and also for the receipt & dispatch of all publick Lett^{rs} and expresses relateing to their Maj^{ties} Service and the good of the whole province from and to any parts of the Same, as lyeing in a manner equally distant from Pottuxent and Pottomock Rivers and the Main Bay, and is most commodious and contiguous to its Neighbouring Collynny of Virginia with whom a mutuall intercourse and correspondency is most undeniably Necessary and Materiall.

11 ffor w^{ch} reason amongst others best knowne to their Maj^{ties} your supplicants humbly conceive that (as they have been enformed) their Maj^{ties} late Gov^r Copley was by his Instructions comāded to apply primarily and principally to Sn^t Maryes & there enter upon his Governm^t as the knowne & generally accepted antient & Chief Seate of Governm^{ts} in this province

12 It hath hardly been knowne and indeed Scarce any president can be produced of soe Sudden a change as the removeall of the antient and Chiefe Seate of Governm^t upon the bare suggestion and Allegations of some particular persons for their owne private Interest and Advantage neither is it in the power wee humbly conceive of the Subject but the prerogative Royal invested in your Ex^{ncie} as their Maj^{ties} Lieve-tenant at whose feete we humbly cast our selves for Releife and Support ag^t the Calamitys & ruin wherewith wee are threatned wholly relying upon your Ex^{ncies} grace & favour therein, with whome wee alsoe conceive should be good

p. 55

Original Journal. manners in all persons first to treat & interceed before they presume to make any peremptory result in a case of soe high a Nature as this may be.

13. Wee cannot omitt to represent to your Ex^{ncie} that the very last Assembly held in the time of the late dec^d Gov^r Anno 1692: It was then put to the Vote of a full house whether the holding of Courts and Assemblies at Sn^t Maries were a greivance or not and carried in the Negative.

14 At w^{ch} time Wee humbly conceive that house did well consider all difficulties as well as the vast charge and Expence they already had been at (to noe purpose if the Courts &^{ca} should be removed) as alsoe what must Necessarily follow (and it may be to as little purpose) in building of New Courts & Offices in other places and makeing provisions for the holding and keeping the same, besides the hazard and casualties of removeing & transporting the Records from one place to another of which already some Experience hath been had.

15 To remoove some Scruple & Objection and (as wee humbly conceive) the Maine one that hath been made against the conveniency of the place that the Gentlmen the members of the house haue been forced to their great Trouble oftentimes to travell on foote from Pottuxen to Sn^t Maries and soe back again.

p. 56 It is humbly proposed and we doe Offer to obleige our selves forthwith and soe soone as possibly workemen and Materialls can be provided for the greater Ease and Conveniency of all persons at such times as also at all other times, to provide and procure a coach or carvan or both to goe in all times of publick meeteings of Assemblies and provinciall Courts &^{ca} every day daily betweene Sn^t Maries & pottuxen River and at all other times once a weeke and also to keep constantly half a dozen horses at least with Suitable furniture for any person or persons haveing occasion to ride post or otherwise with or without a guide to any part of the province on the Western Shore.

16 That the Scituation of the place being not in the Center of the province and consequently not soe convenient for some persons to apply to. Wee hope the proposeall aboue may somewhat mitigate that Objection besides Wee humbly rep^r-sent Even the place of our Nativity the Kingdom of England and the Imperiall Court their held in the City of London, as farr from the Center of England, as Sn^t Maries in this Province Boston in New England Port Royall in Jamacia James Towne in Virginia and almost all other their Maj^{ties} American plantations where are still kept and continued in their first antient Stations & places the Chiefe Seat of Governm^t and Courts of Judicature.

Philip Lynes Mayo ^r	Kenelm Cheseldyn Record ^r	Original Journal.
Hen: Denton	Thos: Waughop	
John LLewellin	W ^m Aisquith	Comon Councill men
Jo: Watson	Thomas Price	
Tho: Beal	Richard Benton	
Philip Clarke	Rob ^t Mason	
Edward Greenhalgh	Thomas X Gayther	
W ^m Digges	Robert Drury	
J Bouye Clk	Claudius Dutitre	P. 57
G Vsweringen	W Taylard	
Josh Brodbent	Sam ^{ll} Watkins	
Ro. Carvile	Sam ^{ll} Wheeler Constable	
Char ^{les} Carroll	John IM Mackye	
Rob ^t King	Peter Dent	
George Layfield	W ^m Guyther	
Jn ^o Coodé	John O Sanner	
Henry Wriothlesley	John T Little	
W Bladen	Thom H Hickson	
James Cullen	W ^m Nuthead	
Tho Hebb	Richard R Griffin	
James B Baker	Isaack PJ Paine	
Stephen Blatchford	Peter Watts X	
Daniel Bell	Rob ^t Carss.	
Jonathan Clarke	Jn ^o Evans	
Edward Kelsey	Will Lowrey	
Abraham Rhodes	Anderson	
Joseph Edlo	Eben: Cooke	
Roger Tolle	Zacharias Vanswearingen	
Henry H T Taylor	Leo D ^s Plukenett	
James Rickets	Will ^m Harpam	
John Wincoll	Michael IM Chevers	
Edward ffisher	Elias Beech	
John I Noble	Tho: Grunwin	
Thomas Hutchins	John ffreeman	
Ric ^d Sowter	Jos Doyne	

To his Ex^{ncy} the Governo^r & Covncill

P. 58

The Humblè Petition of the Mayo^r Record^r Aldermen Comon
Covncill and ffreemen of the City of Sn^t Maries
Sheweth

That your pet^{rs} doe understand that the house of Assembly
now sitting are preparing a Bill for your Ex^{ncie} & Councils
Assent to remove from this City the Courts of Judicature and
principall Seate of Governm^t & Settle the same at Severne in
Ann Arrundell County That y^r pet^r doe hope the reasons &

Original Journal. Motives herewith Offered to your Ex^{ncie} & this Hono^{ble} Board will upon due Consideracōn thereof seem Sufficent to hinder the said Bill from being past into a Law by y^r Ex^{ncie} & the Covncills Assent therevnto But least the small difference of voices in the Assembly might prevayle wth your Ex^{ncies} inclinacōn to the publick good, Sufficently proved to all such places as have had the happiness of being vnder your Governm^t before the said Motives; w^{ch} y^r pet^{rs} belive they have very little reason to feare, the Matter being to be weighed by a p^{son} of y^r Ex^{ncies} knowne Experience Assisted by soe worthy a Covncill, y^r pet^{rs} humbly crave leave to represent to your Ex^{ncie} and this Board: That the appointing a place for the Supream Courts of Judicature & Seate of Governm^t in any Kingdom, Colony, Province, or Territory, belonging to the Crowne of England, is a peculiar prerogative of the Crowne, & that the upholding & Maintaineing the Kings prerogative is as Essentiall, & undoubted a part of the Laws of England, as the liberty & property of the Subject is, and that when either the former is intrenched upon by the Subjects or the Later invaded by the prince the State is in a Convulsion.

That as the Subjects of this province are well Satisfyed of their Maj^{ties} tenderness & care of their Libertyes & proptyes Sufficently evidenced by their placeing a p^{son} of y^r Ex^{ncies} knowne Regard to the same, at the helme of this Governm^t Soe y^r pet^{rs} doe humbly conceive, that it is not consistant wth the Rules of gratitude for soe great a Blessing, nor the difference & regard w^{ch} good Subjects ought to haue to the prerogative of soe Clement a prince, to pass a Law w^{ch} your pet^{rs} are well informed is an apparent incroachment upon the Same.

Wherefore y^r pet^{rs} doe most Humbly pray that Least this province may be soe blemished, as to have it said that it was the first of the American plantacōns that Offered Violence to the prerogative of soe worthy a prince by passing the said Bill into a Law your Ex^{ncy} and your hono^{ble} Council will please to reject the said Bill untill such time as Leave be first Obtained from their Maj^{ties} (as the method ought to be in such a Case) for prepareing & bringing in the Same, And your pet^{rs} humbly begg pardon for takeing the freedom of putting your Ex^{ncie} in Minde of a matter w^{ch} they know is your Chiefest care to preserve

Shall Ever pray &^{ca}

This House have read & considered of the pet^{rs} & Reasons of the Mayo^r Aldermen & others calling themselves Comon Covncill & ffreemen of the City of Sn^t Maries ag^t removeing

the Courts & Assemblyes from this Corner & poorest place of the province to the Center & best abilitated places thereof; Although wee conceive the motives there laid downe are hardly deserveing any Answer at all many of them being ag^t the plaine matter of ffact some ag^t reason & all ag^t the Gen^l good & wellfaire of the province yet because your Ex^{ncy} has been pleased to lay them before us wee humbly returne this our sence of the same, that as to the 1: 2: 3: 4: 5: 6: 7: & 8: Reasons relateing to what his Lsp: has thought fitt to doe to the Citty of Sn^t Maries it is noe Rule nor Guide to their Maj^{ties} yo^r Ex^{ncie} nor this house itt seemes in some parts to reflect on his Lsp more then this house beleives is true or deserved by his Lsp.

2 As to the 9: this house say that it is ag^t the plain Matter of ffact for wee can decerne noe Estate either laid out or to lay out in or about this famous City compareable wth other parts of this province But they say and can make appeare that there has been moore Money Spent here by Three degrees or more then this City & all the Inhabitants for Tenn Miles round is worth, And say that haveing had 60^{ty} od yeares experience of this place & almost a quarter part of the province devoured by it and still like Pharoehes Kine remaine as at first, they are discouraged to add any more of their Substance to such ill Improvers.

As to the Tenth & Eleaventh wee conceive the being of Sn^t Maries soe neare Virg^a is not soe great an Advantage to the Province as the placing the Courts in the Center & Richest part of the same which is noe great distance from thence or Virg^a either and nearer New Yorke & other Governm^{ts} w^{ch} wee have as much to doe with as Virgin^a if not more & the place as well watered & as Co^modious in all respects as Sn^t Maries w^{ch} has only served hitherto to cast a Blemish Upon all the Rest of the province in the Judgm^t of all discerning Strangers who perceiving the meanness of the head must Rationally Judge pporcōnably of the body thereby.

To the 12: 13: & 14: they say that they doe not hold themselves accountable to the Mayo^r & his Bretheren for w^t they doe for their Countreys Service nor by what Measures they doe the same nor what time they shall take to doe it in nor for what Reasons and are & will be as carefull of the Records & properties of the people as the pet^{rs}

To the 15th the house say the pet^{rs} offer faire as they have done formerly but never yet performed any & this house believes that the Gen^l welfare of the Province ought to take place of that sugar plum & of all the Mayo^{rs} Coaches whoe as yet has not one.

To the 16: this house conceive that the Citty of Sn^t Maries is very Vnequally Rankt wth London, Boston, Port Royall &^{ca}

Original Journal. All which wee humbly Offer to y^r Ex^{ncies} Juditious Consideracōn

This Board concurr with the s^d Answer made by the house as Burgesses.

The aforementioned Bills assented to by the House were Read here in Covncill & likewise assented to wth some small amendm^t to be made to the additionall act to the act of Religion.

Viz^t

An Additionall Act to the Act of Religion.

An Act for the punishm^t of Blasphemy ffornication and Adultery.

An Act Ascertaining the Expences of the Delegates of Assembly & Co^mmission^{rs} of the prov^l & County Courts.

An Additionall Act to the Act for quieting possessions.

An Act concerning those Servants that have Bastards

An Act ag^t Strikeing of ffish in Dorchester & Somerset Counties.

An Act for Encouragem^t of Learning & Advancem^t of the natives of this province.

Ordered that a Conference be had ab^t this Last Bill.

An Act prohibiting all Masters of Ships or Vessells or any oth^r persons from Transporting or conveying away any person or persons out of this province without passes.

An Act for Easem^t of the Inhabitants of this province in Testamentary affaires.

An Act confirming & makeing Valid the last Will & Testam^t of Augustin Herman late of Cæcill County Gen^t as it now stands Recorded in the Co^mmissary Gen^{ls} Office of this province.

An Act for the Naturalization of Peter fferdinando & his Children & severall others fforreigners & Aliens.

An Act for Reliefe of Debtors

p. 61 An Act for settleing Assemblys & Provinciall Courts & Erecting a Court house at Ann Arrundell Towne in Ann Arrundell County

An Act touching Coopers & the Gage of Tob^o Hogsheads.

An Act for Confirmation of all proceedings Judiciall, Military & Civill from the Death of his Ex^{ncie} Lionell Copley Esq^r dec^d untill the Arrivall of his Ex^{ncy} ffrancis Nicholson Esq^r &^{ca}

An Act for Tunnage & ascertaining Navall Officers ffees.

An Act for Speedy & Easy Justice for small Debts.

A Supplicatory Act to their Sacred Ma^{ts} for Erecting of ffree scholes.

A Supplimentary Act to the Act for Encourageing such persons as shall Undertake to build Watermills.

Adjourne till Munday Morning.

Munday October 15th 1694.

Original
Journal.

• Councill Sate and were all present

Read the House of Burgesses Answer to the Petition of George Mason & William Burley prison^{rs} under the sentence of death, which said peticoⁿ & Answer Run in these following Words Viz^t

To his Ex^{ncie} the Gover^r & hon^{ble} Assembly of Maryland now sitting the 27th of 7^{br} 1694:

The Humble Petic^on of the Distressed Prison^{rs} George Mason & Will^m Burley

Sheweth

That your Pet^{rs} for these many yeares last past have been confined tho more willing to dye than live to put the Countrey to so vast a Charge as our Eternall Imprisonm^t will create.

Wherefore humbly pray wee may be brought before this hon^{ble} house beseeching y^r Ex^{ncie} and this Great Assembly to Enquire into the Com^{is}sion by which wee were tryed whether there were any or noe, or whither it was of Oyer & Terminer under that Seale, And as the Law directs & noe otherwise, & whether our present Circumstances may not admitt us to Bayle upon such Security as this hon^{ble} house shall think fit & we will Ever Pray &^{ca}

By the Assembly Octob^r 10th 1694.

p. 62

According to the pet^{rs} desire this house have Enquired into the Legallity of the Com^{is}sion by w^{ch} they were tryed, And say that upon the Death of M^r John Payne his Brother Doctor Payne of London peticoⁿed their Maj^{ties} that Justice might be done upon the persons accused of his Broth^{rs} Murther w^{ch} was the pet^{rs} & one Woodcock, that upon the same their Ma^{ts} sent their Lett^{rs} Mandatory, to the then present Governm^t of this province, the Convention lawfully appointed & Authorized by their Ma^{ts} who upon Receipt thereof Did Constitute Certaine Justices by a Legall Com^{is}sion from their Maj^{ties} to be a prov^{ll} Court & to haue Cognizance of all pleas of the Crowne & civill Matters wth in this Province & that the said Justices soe Constituted & after verdict of twelve good & Legall men that the pet^{rs} wth the said Woodcock was Guilty, according to Law passed Sentence of Death upon them But after Tryall the s^d Woodcock Confessing the fact was done by him onely, & that the other two had noe other hand in it then being present on board the yat, when the said Payne was killed:

The said Convention reprieved the said prisoners and left them to their Ma^{ts} pleasure for a pardon, whoe soe Remained

Original Journal. vntill the Arrivall of their Maj^{ties} Govern^r Coll Copley decd
 whoe Continued them upon the s^d Reprieve promising to
 Represent their Maj^{ties} with their Reasons to Induce their
 Royall pardon, But neglected the same as appeares by account
 lately out of England, that Noething was determined therein
 for want of the Record of their Tryall & Reasons presented to
 their Ma^{ts} By w^{ch} meanes & their long continuance in prison it
 hath put the province to one hundred thousand pounds of
 tobacco Charge And if continued till their Ma^{ts} pleasure can
 be knowne will be as much again another yeare.

This House therefore to avoid the said Charge & not
 deprive the p^{tr}s of the Ma^{ts} great & Royall prerogative in
 such Case of shewing Mercy Doe humbly pray the Concur-
 rence of y^r Ex^{ncy} & the Hon^{ble} Councill that the pet^{rs} may be
 let to bayle till their Maj^{ts} pleasure shall be knowne or any
 other way you shall thinke fitt after the Record of the Tryall
 & their Reasons for Mercy shall be Laid before their Maj^{ts}
 which this House on their behalfe doe humbly Request your
 Ex^{ncy} to Cause to be done for them &^{ca}

Signed p Ord^r

Cleborne Lomax Clk Assembly.

Resolved that the Attorneys be Consulted therein whether
 p^{sons} under their Circumstances can be bayled according to
 the Vote of the House of Burgesses.

p. 63 The Burgesses of the House of Assembly Answer to the
 proposalls to New England relateing to their Maj^{ties} Stores was
 Read as follows Viz^t

By the Assembly October 11th 1694:

Upon Reading the Proposals to New England concerning
 the Kings Stores; this house haveing considered thereupon
 doe humbly say & Declare that this Countrey is very capable
 of furnishing their Maj^{ties} with Masts of all Sorts, Yards, Bow-
 sprits, Tarr, Knees, pipe staves, barrell Staves, to a great
 quantity every yeare upon Suitable & timely Notice to Us
 given, and at reasonable prices.

Signed p Ord^r

Cleborne Lomax Clk Assembly.

The Hon^{ble} their Maj^{ts} Covncill doe Agree wth the Opinion
 of the House of Burgesses therein Whereupon his Ex^{ncy} was
 pleased to Order that the Gentlemen of the Councill as alsoe
 of the House of Burgesses should after their getting home
 make inquirey where the best & Convenientest places are for

procureing such Trees & what wood will be most proper & at what prizes the severall particulars may be had at of which they are to make Returne to this Board with all convenient Speed:

Original
Journal.

Read the following Bills Viz^t

Act for appointing of Rangers for the Defence of this Province

That a Clause be Added to the said Act, that any English man or Indian that has any Information to make ab^t the incursion or invasion of Strang Indians, they be obliged to goe to the next Militia Officer or Justice of the peace where they shall give in their Informacon, the which if it proves true, they shall have a Reward, if false, then to be punished according to Law, And that the Severall Shffs make this Law knowne to the Severall Nations of Indians wth in this province.

Act for 3^d p hogshead Read & passed here.

Read an Answer of the House of Burgesses relateing to their Maj^{ties} Magazine of powder &^{ca} as ffollows Viz^t

By the Burgesses of Assembly October 15th 1694. p. 64

Voted that the powder Lodged in the State house be Equally divided according to the Taxables in Every Respective Covnty, And the Coll^s of Each Covnty have the Charge of the same, And that they take Care for the Transportation thereof, and be allowed their Charges out of the publick Leavy for transporting the Same, And what publick Armes are here at Sn^t Maries to be Equally distributed amongst the Colls. of Each Respective County, And to be kept in repair at the Charge of the Severall Countyes.

Voted that whereas the Records of this province for the Land Office have all wayes heretofore been kept by the Secretary of this province; And whereas wee haveing noe greater security for the preservation of the same haue thought fit to Continue them as formerly by Reason the King has noe house of fortification here.

Signed p Ord^r
Cleborne Lomax Clk Assembly.

This Board does agree wth the House of Burgesses therein & doe Order that the Collonells of Each County doe take care that the ffrontiers be well provided wth powder shot & Armes in the first place & that there be not aboue one Barrell of powder lodged in any one place & the same to be kept & preserved Untoucht, unless upon insurrection or invasion (w^{ch} God forbid) their Maj^{ties} haveing noe publick store houses here

Original Journal. nor fortifications to preserve the same in from fire lightening & other Casualties therefore such a distribution is thought most Necessary. They doe likewise agree with the Vote of the House as to the Land Records by Reason their Ma^{ts} have noe particular place nor ffort to keep the same in.

That in the Act for confirmeing the Act of the last Sessions of Assembly &^{ca} it be said instead of an Authentick Coppy thereof & that instead of Saying a Transcript it be said the Transcript.

Act for Repealeing certaine Laws of this province, passed here, Coll Addison sent to the house to Acquaint them that this Board desires a Conference wth the House presently.

Act for reviveing Severall Laws &^{ca} passed here.

M^r Speaker with the Members of the House of Burgesses come up upon the Conference according to the Message sent, And was first Recomended unto them the following clause to be aded to the Additionall Act for Religion, Viz^t And counter-signed by the R^t Hono^{ble} Charles Earle of Shrowsbury their Ma^{ts} principle Secretary of State, together wth his Maj^{ties} s^d Letter Dated 13th of ffeb^{ry} 1689/90 and Laws Annexed; Agreed to.

p. 65 It is Represented That noe Allowance is made for the Covncill and Assemblies & in siting to heare Appeales &^{ca} To w^{ch} is answered that there is Allowance made for this Assembly & that there Remaines a Vote of their House for consid-acon to be had the next Assembly for future allowance.

The Act for Encouragem^t of Learning &^{ca} taken into consideracōn & Reco^mended the leaveing out in the last Clause relateing to their Maj^{ties} Co^mmissionateing persons &^{ca}:

That the word ministeriall be struck out the w^{ch} was agreed to.

The Act for Confirmeing the Act of the last Sessions of Assembly &^{ca} Amended by M^r Speaker at the Board according to the Aboue Remakes. Cap^t Courtneys pet. & M^r Attorney Gen^{ls} Report thereon delivered at the Board to M^r Speaker, for the Consideracōn of the house, Together with the Bills this day Read.

His Ex^{ncy} demanding that in case the fforreigne Indians w^{ch} lately came into this Governm^t should come again wth intent to sit downe and seat here, what Answer should be given them; M^r Speaker therevpon produced the sence of the House in writeing as to that particular the which Ru^{nes} in the following Words Viz^t

By the Burgesses of Assembly Octobr 15th 1694.

With submission to y^r Ex^{ncies} better Judgem^t This house

doth not think fit at this Juncture of time to Receive & Enter-
taine any fforreigne Nation of Indians. Original
Journal.

Signed p Ord^r C Lomax Clk Assembly

Post Meridiem

Taken into Consideracōn the House of Burgesses sence & Opinion delivered at the Board about the afore mencōned Indians &^{ca} to w^{ch} the Board does Agree & Orders the ffollowing Reasons to be given to the Indians, if they Come; Viz^t

That this Countrey is an open Countrey, and deales generally in Tob^a & not in ffurrs; but Understanding they have had an invitation from the Governm^t of New Yorke doe therefore thinke that those parts & Pensilvania, whoe deale & Trade most in ffurrs, will be most proper for their abode.

The Advice of the House was likewise desired whither it might be convenient that an Embargoe should be laid upon those Ships Remaineing in the Countrey after the first of November next & on such as Came in after That time

To which they say th^t there shall an Answer thereto be p. 66
Given, aft^r they haue Debated & Consulted the same in the House.

Afterwards proposed which will be most convenient, Viz^t to Adjourne or Prorogue this present Assembly; the which likewise M^r Speaker does say shall be Answered when debated in the house.

Read Act for Appeales &^{ca}

Wee are of Opinion that the Appeales from the Provinciall to the Governor & Covncill ought to be not Under 100^{lb} st^l or 40000^l of Tobacco pursuant to their Ma^{ts} Instruction, And that it be said According to their Maj^{ties} Royall Cōmission & noe further.

The house being of Opinion that it will be to the service of the Countrey that appeales from the prov^l Court to the Govern^r & Council should be granted for any Sum^e amounting to 50^l st^l or Twenty Thousand pounds of Tobacco: The Hon^{ble} Council doe thereupon Consent to the Same.

In the Act for Ports Wee are of Opinion that Rehoboth be made a port & Snowe Hill a Towne in Somerset County And that Yarmouth in Dorchester County formerly a Towne be again so appointed, Baltemore Towne in Dorchester County not convenient for a port.

That a proviso be made for his Ex^{ncy} to take vp a Lot in Ann Arrundell Towne. That the Lord Prop^{rys} name be named according to pattent

That in Ann Arrundell Towne their be a place set a side for a ffortification.

Original Journal. In said Act ffol 13: Line 11th Shipps to Load & unload at Ports onely, but may have liberty to Sell any where ffol: 15. That persons may have liberty to buy & Sell in any place: That a Certaine Number of Dwelling houses & Ware houses be provided for according as has been formerly Remarked And that the last provisoe in the said Act be wholly left out.

Act for Imposition of 4^d p Gall: ffol: 1: Line 23^d that Clause ab^t discouragem^t of Artificers &^{ca} to be left out fol 2: That all Liquo^rs imported from Pensilvania shall pay 8^d p Gall wth sever penalty on the psons importing such Liquo^rs with the lose of the Same ffol: 3: penalty & fforfeiture must goe to their Ma^{ts} for Such a Use ffol 4: The Entrye must be upon Oath, The ten dayes to be left out: That in the 5 ffol: Officers be Empow^{ed} to goe into any house to search &^{ca} Quære Suppose both the Treasurers dye whoe shall appoint another Officer.

Some person to be Empowered to take the Bond.

p. 67 Act for Advancem^t of Coynes it is said that with out ready money noe Encouragem^t can be given to Handicrafts &^{ca}

Wee are of Opinion that the said Clause to be left out: that the word strl. be left out & the word Current Money put in: pieces of Eight of Mexico, Scevill & pillar &^{ca} soe much; peru at 5^s &^{ca} to be ascertained; Debts already contracted should not come wth in this Law, too small advance made to their Ma^{ts} &^{ca} Bills of Exchange the Same.

Act for lessening the increase of horses;

Wee are of Opinion that the height of the ffences be Ascertain^d

Act empowering Richard Bishop to sell Lands &^{ca}

The Reasons for soe doeing, Wee finde to be left out as formerly remarked to the House.

Act for Ordinary Keepers.

The ffynes must be ascertained to the King for breach of any the Clavses in the said Act.

Act for laying an Imposition upon ffurrs &^{ca}

The words wth intent to Export ought to be left out, But before put on Board to pay the Duty.

Adjourne till To morrow Morning.

Tuesday October 16th 1694:

Covncill again Sate & were present as Yesterday.

Drawne forth by Order the Remakes last night made upon the Bills yesterday Recd & Read over the which were delivered to M^r Dent & M^r Hutchinson to Comūicate to the House.

Cap^t William Dent Maj^r Dorsey, M^r Smalwood & M^r fferry

come from the House wth the ffollowing messages & Bills again here yesterday Read. Original Journal.

The Vote of the House of Burgesses concerning those persons for whom an Act of Naturalization passed, Viz^t

By the Burgesses of Assembly Octob^r 15th 1694:

Voted that Peter fferdinandoe of Charles County Abraham Ambros & Abraham his son of Kent County Herman Van Burkelo Nicholas de Montague Henry Sluyter & Jacob Sluyter jun^r of Cæcill County that vnless they take the Oathes appointed by Act of parliament instead of the Oathes of Allegiance & Supremacy & Signe the Test & Transmitt the same to his Exⁿcy the Govern^r & Council before the next Sessions of Assembly the bill as to their Naturalization to be void to them that refuses to take the said Oathes & Signe the Test

Signed p Ord^r
C Lomax Clk Assembly.

This Board does agree to the said Vote & Order as it is hereby Ordrd that the said persons take the said Oathes before one of their Maj^{ties} Hono^{ble} Covncill as likewise Subscribe to the Test w^{ch} shall be deemed Sufficient. p. 68

Another Vote Relateing to the Act for Imposition on ffurrs Read as follows Viz^t

By the Burgesses of Assembly October 16th 1694.

That whereas a former Vote hath passed the House that noe new bills shall pass or the house Enter upon any further business then what lies before them this Sessions of Assembly, The House prayes that the Act for Imposition on ffurrs may remaine as it is wth out any Alterations at present, And that the Alterations proposed to be made in the said Act may be referred Untill the next Sessions of Assembly.

Signed p Ord^r
C Lomax Clk Assembly.

This Board does agree & Consent to the Vote of the House of Burgesses Therein.

Another Vote Relateing to the Security of the province Read as follows Viz^t

Original
Journal.

By the Burgesses of Assembly October 4th 1694.

Vpon the Reading the Act of Assembly for the Security & Defence of this province the house doth Conceive that the said Act doth Sufficiently provide according to all the proposalls of his Ex^{ncy} the Govern^r & Covncill which wee desire may soe Remaine untill further Consideracōn.

Signed p Ord^r
C Lomax Clk Assembly.

Which being Read; Ordered that all those proposalls in Councill relateing to the Militia be Drawne out & sent to Each Respective County.

Another Vote Relateing to the Allowance to be made their Ma^{ts} Hono^{ble} Covncill Read as follows Viz^t

By the Burgesses of Assembly Octob^r 16th 1694.

Voted whether their Maj^{ts} Covncillo^{rs} of this province be allowed 150^l tobacco p day or 160^l tob p day for every day that they shall sitt & Attend in Covncill & Assemblies Carried by Majority of Votes that they be allowed 150^l tob p day for Every day that they shall Sit & Attend in Councill & Assemblies & noe more besides their Itinerant Charges

Signed p Ord^r
C Lomax Clk Assembly.

p. 69 The said Vote Referred to be Considered.

Post Meridiem.

M^r Clarke Cap^t Bayne & M^r fferry come from the House wth the following Messages Viz^t

By the Assembly October 16 1694.

Ordered that an Adresse be Drawne to their Maj^{ties} Concerning the ffree Schoole & Concerning such other busines as shall be Considered of by the House &^{ca}

Signed p Ord^r
C Lomax Clk Assembly.

Voted that there be Severall other Lett^{rs} writt to sev^rall other Lord Bishops whom his Ex^{ncy} shall thinke fit dēshireing their Assistance about ffree Schooles

Signed p Ord^r
C Lomax Clk Assembly.

By the Burgesses of Assembly Octob^r 12th 1694.

Original
Journal.

Voted that a Lett^r be written to the Lord Arch Bishop of Canterbury to Accept the patronage of the ffree Schoole in this Province & that the same be signed by his Ex^{ncy} & S^r Tho: Laurence on the behalfe of the Councill & M^r Speaker on the behalfe of the House. Voted that a Lett^r be written to the Lord Bishop of London Signifyeing unto him, whereas wee understand that he is patron to the Colledge in Virginia humbly desires that he would be pleased to be our Advocate & Solicite the Lord Archbishop of Canterbury to be patron for the ffree Schoole to be Erected in this province, and that he please to doe us all favours to the Advancement and good of the said ffree Schoole.

Signed p Ord^r
C Lomax Clk Assembly.

The said Votes agreed to by this Board as to the Substance but not as to the Method.

Ordered that a division be made of the Gun powder to be sent to each respective County pursuant to a former Order of this Board & that an Acc^t thereof be sent to the House of Burgesses to the End care may be taken to Convey & disperse the same.

Accordingly Division made as follows Viz^t

p. 70

	barrells		ball
To Charles County	10 ..	Brought ouer	38
To Baltemore County	10 ..	To Dorchester County	5 ..
To Cæcill County	8 ..	To Somerset County	6 ..
To Kent County	3 ..	To Sn ^t Maries County	6 ..
To Talbot County	27	To Calvart County	9 ..
	—	To Ann Arrundell County.	9
Carried over	38		—
	—		73
			—

Ordered that the Armes Bullets & Shott be likewise devided & parcelled out proportionable to the powder, and that one barrell of the said powder be lodged in a place onely & that neither the said Armes nor Amunitition be medled wth or made use off unless upon Case of Invasion or Insurrection, w^{ch} God for Bid.

Adjourne till to Morrow Morning

Original
Journal.Wednesday October 17th 1694.Councill again Sate & were all present except
Esq^r Randolph.

Taken into Consideration the Vote of the house of Bur-
gesses relateing to allowance proposed to be given to their
Maj^{ties} hon^{ble} Councill of this Province being again Read;
Ordered that a Message be drawne up to Reco^mend to the
house that they may have the Same Allowance made here as
are Usually allowed and Given their Ma^{ts} Covncill in Virginia,
the which was accordingly done & sent by the Clk, whoe
delivered the same to M^r Speaker together wth the ffollowing
papers Viz^t

Act for ports of Ann Arrundell & Oxford Townes wth the
following Remakes thereon. That necessary Ground be left
for a ffortification &^{ca} by a Clause to be added. paper of
Comission's names to be put in the said Act.

Ord^r that about Covncillo^{rs} Tobacco allowed this p^rsent
Assembly that the same be Ordered to them in the Countyes
where they Live.

Coll Hutchins & Coll Brownes Acco^t of Expences, being
1998^l of tobacco.

A List of what Letters are Reco^mended to be Writt.

Order about Division of the powder.

List of the Hono^{ble} Councils Guift towards the ffree
schoole &^{ca}

p. 71 Reco^mendations about M^r Roger Newmans Allowance.

Henry Dentons pet and Reco^mendations thereon for his
Allowance.

The following Laws read & Assented to by the Councill
Viz^t

An Additionall Act to the Act of Religion amended

An Act for Settleing a Revenue on their Ma^{ts} p^rsent
Govern^r

An Act for appointing Rangers for the Defence of this Pro-
vince.

An Act confirming the Acts of the last Sessions of Assem-
bly of this province now remaining upon Record in the Secre-
taries Office to be the body of Laws Untill the same shall
Arive from England.

An Act for Reviveing the Temporary Laws of this Pro-
vince

An Act for Repealeing certain Laws of this Province.

An Act for Appeales & regulateing Writs of Error.

An Act for the Imposition of 4^d p Gall: on Līquo^{rs} imported into this Province. Original Journal.

Act to prevent the great Evill occasioned by the Multiplicity of horses within this Province.

Act Empowering Rich^d Bishop of Talbot County &^{ca} to Sell 800 Acres of Land &^{ca}

Act for regulateing Ordinaryes & limiting the Number of them within this Province.

An Act prohibiting the Inhabitants of this Province or any others from carrying Līquo's to the Indian Townes & Cabins.

An Act for the Laying an Imposition on Severall Comōdities Exported out of this Province.

Produced again & Read the Vote of the House of Burgesses relateing to W^m Burley & George Mason prisoners now under sentence of Death, This Board doe Agree with the Vote of the said House & all the Lawyers in Towne appeareing at the Board to Advize whether the Law will admitt of Bayle in such Case & whether an Act for the said purpose might be proper to pass, to which they are of Opinion that they may be set to Bayle upon soe Speciall a Case as this & that the same will be best to be done without an Act. Then it is demanded by his Ex^{ncie} what Bayle is most proper to be taken, to w^{ch} was Answered th^t the best way that can be taken is th^t they bring two p^{rs}ons who will Enter into Recognizance body for body th^t the s^d prison^{rs} shall be forth comeing when called.

Ordered that the said prisoners be set to Bayle, they bring- p. 72
ing Two p^{rs}ons to Morrow Morning before this Board & House of Burgesses that will Enter into Recognizance Body for Body for the said Mason and Burleys appearance when called.

Post Meridiem

Brought from the House of Burgesses the following Bill for Ports fairly Engrossed & Assented to by the House, being Read was likewise Assented to by the Covncill.

Then Likewise Read the following Representations of the house, relateing to S^r Thomas Laurence Viz^t

By the Burgesses of Assembly October 17th 1694.

Upon the Report of a Comītee of Agreiveances to this house made Relateing to the illegall & severe vseage of S^r Thomas Laurence their Ma^{ty} Secretary of this province by his Late Ex^{ncy} Coll Lyonell Copley their Ma^{ty} Govern^r deceased w^{ch} said proceedings were laid before an Assembly begun the 20th day of September 1693: in the 5th year of their Ma^{ty} Reigne &^{ca} And by the same found & adjudged to be an apparent violation of Comōn Right & Directly contrary to the

Original
Journal. Rights & libertyes of all their Ma^{ts} good Subjects And again brought before this Gen^l Assembly now Sitting, whoe not wth out good Advice & great deliberation haue duely considered all the said proceedings ag^t the s^d S^r Thomas Laurence And Doe find in the same much more of malice then matter And that the whole proceedings were both Arbitrary & illegall, Whereupon this house think themselves as they are in duty bound to doe Equall Right to all their Ma^{ts} good & faithfull Subjects, soe they are oblided to give a True Carracter of the said S^r Thomas Laurence whoe in every Circumstance appeares to be a protestant, a Loyall Subject to their Ma^{ts} of great & good Service to the Countrey & both liberall & Generous in promoteing & Contributeing to what may tend to the good & wellfare of the publick, And for his peaceable & pious Inclinacon his sincerity & Integrity of life This house is of opinion that for the Hono^{rs} of their Maj^{ties} & the benefitt & Safety of the Subjects in Gen^l to Impower & Employ the said S^r Thomas to Assist in the Managem^t of some particular affaires wherein their most Sacred Ma^{ts} gracious grant & favour is hoped for To w^{ch} End & purpose wee most humbly pray his Ex^{ncy} Coll ffrancis Nicholson Govern^r to give his Consent & Approbation therein.

Signed p Ord^r
C Lomax Clk Assembly.

p. 73 His Hono^r S^r Thomas Laurence does say that he is highly Oblided to the house for the good Opinion they are pleased to conceive of him & wth all humbly Represents to the Board that severall Matters of Considerable Moment relateing to his owne Affaires calls for his imēdiate Repaire into England, hoping for the permission & Leave of his Ex^{ncie} & this Hono^{ble} Councill for his goeing, which if granted he shall be ready to doe all Services that the Countrey shall thinke fit to Comitt to his care & Managem^t in England according to the best of his Abillity and that dureing his Absence he will leave a sufficient Deputy behind him to Execute that Trust their Ma^{ts} have here reposed in him.

Then Read the opinion of the House about Bulke Tob^o as follows, viz^t

By the Burgesses of Assembly Septem^r 25th 1694.

Upon Reading the Queens Lett^r Concerning bulkt tobacco upon Consideration thereof The House doth conceive that to make an Act prohibiteing the same will be a very great Diminution to their Maj^{ties} Revenues And allsoe an Impoverish-

ing to their Ma^{ts} Subjects of this Province of Maryland &^{ca} ffor the Reasons hereafter (viz^t). Original Journal.

ffirst. The Prohibition of Bulk tobacco will lessen their Mat^s Revenue very much because Every Ship that Can Carry away but 100 hh^{ds} in Caske the same Shipp will Carry in Bulk 200 hh^{ds} and soe Consequently for bigger or lesser Ships, and the Greater quantity of Tobacco that is imported in England is the Advancemen^t of their Maj^{ts} Revenue, And further that Tob^o that is Gen^rally Bulk'd is such meane darke tobacco that it will not pay the ffreight in Cask as ffreight at this Instant Runs, but being bulk'd the ffreight is lessened to one halfe, w^{ch} makes such Tobacco in some demand, w^{ch} oth^r wise would not beare it ; Therefore if the Merchant ffreighters should be Compelled to Transport the same in Caske Considering the Meanenes thereof they would not purchase such tobacco from the planters but the same would lye in the Countrey out of Demand & Useles, for Trade expects profit, & that profit arises Chiefly upon the lessening ffreight, then if that Cause be removed the Effect thereof Ceaseth, and Consequently that trade Extinguished w^{ch} would very much lessen their Maj^{ties} Revenve, Ruine their Ma^{ts} Subjects here, Considering that almost one halfe of the Tobacco is such darke tobacco which payes their Ma^{ts} as much duty as the Best Tob^o and as trade Runs at this Instant there is not Ships Enough to Carry away all the Tobacco that is made, when they have used all the Wayes & Meanes that possible they Can yet great Quantities lies & rotts in the Countrey to the great prejudice of their Maj^{ts} Revenews and Impouerishing their Maj^{ts} Subjects here &^{ca}

2^{ly} If any act should pass the planters must of Necessity p. 74 leave of Makeing such Tobacco & apply themselves to Manu- factory because all plantations will not bring bright Tobacco and Necessity is the Mother of Ingenuity, whoe finds out Saveing Inventions & Necessary Securityes.

3^{ly} The darke tobacco being Imported into England is neaver afterwards Exported or Seldome soe that it is vended in England paying 5^d the pound to their Maj^{ts} Raiseing the Revenues high, when as the bright Tobacco is Gen^rally Exported paying their Maj^{ts} but a Small Duety; These Reasons Considered prayes yo^r Ex^{ncy} & Covncills Concurrency therein.

Signed p Ord^r
C Lomax Clk Assembly

Their Maj^{ts} Hono^{ble} Councill concurr wth the Opinion of the House therein.

Then Read the Opinion of the house Relateing to a Suf- fragan Bishop as follows, Viz^t

Original
Journal.By the Burgesses of Assembly October 17th 1694.

Wee the Deputyes & Delegates of this Gen^l Assembly haveing taken into our Serious Consideracōn the Message sent by his Ex^{ncy} the Govern^r & Covnsill Relateing to the Cōmissaryes office are of Opinion that a Suffragan Bishop would be most requisite & Necessary but that it will not be Convenient to Invite or give any Encouragem^t to a person of that office & Degree till wee shall be in a Capacity to make suiteable provisions for his reception and Residence here, The which our many & great Vndertakeings all ready Under our Care & Charge will not admitt of what is desired at this time, Therefore referr the same to the Consideration of the next Sessions of Assembly.

Signed p Ord^r
C Lomax Clk Assembly.

In Answer whereto was drawne up the following paper and accordingly sent to the house, Viz^t

Upon peruseall & Mature Consideracōn of the Answer of the Burgesses Dated October 17th returned to his Ex^{ncy} & this Hono^{ble} Board, They are of the same Opinion & doe vnanimously concurr with them, That a Suffragan Bishop or Cōmissary Deputed by & invested with such Ecclesiasticall Authority & power by the Right Reverend ffather in God The R^t Hono^{ble} the Lord Bishop of London as to his wisdom shall seem most Expedient for the Better setling & Regulat-
 ing all matters Relateing to Churches and Churchmen which
 are or shall be Establisht by God Almightys providence & his
 paternall care in this province will be most convenient &
 Necessary, But wee doe further represent into the said Bur-
 gesses of Assembly That the Cōmissarys Office in the Nature
 of it & by the Just & Honest profits & Advantages accruing
 unto it is a most Sutable Employment and a Valuable Encour-
 agem^t for such Suffragan Bishop or Cōmissary so to be
 Deputed by his Lsp: without any charge to be laid upon this
 province.

ffirst because that Office being Judiciall & of great importance & Trust in this province in quieting & securing to the Right owners all Estates of persons Dying Testate or Intestate & for preserving the fortunes of all the Orphans of Maryland cannot well be Executed but By a person of Integrity and Capacity resideing among us. And Secondly that being a Judiciall office of an Ecclesiasticall nature it ought to be performed by a person Qualifyed by his knowledge in the Civill Law and may also properly appertain to the same person if he shall have taken any degrees in the Study of Divinity.

But in as Much as the said Office is now claimed by Doct^r Payne on pretence to Raise a fortune for his Brothers Daughter but really to take the most of the profits to himselfe And that he hath Authorized one M^r Richard Royston & M^r Henry Denton to Execute the said Office as his Deputyes w^{ch} by the Law of England & of this province he cannot doe nor Justify, And in as much as the said Royston who dyed at Sea lately comeing in, was a person altogether incapable of Executeing the same both for his Ignorance in all learning and for his life & actions notoriously Scandalous in this province, And in as much as the said M^r Denton does think himselfe not Qualified thô Lawfully authorized to performe the Same, and hath refused to Concerne himselfe in it. Therefore wee humbly desire the Concurrence of his Ex^{ncy} of the Burgesses of Assembly that this Matter may be Represented to his Sacred Maj^{ty} by the Hon^{ble} & Right Reverend the Lord Bishop of London whoe is hereby humbly requested to addres his Ma^{ty} That he will please to Establish & confirme the said Office upon some sober & Learned person whoe may reside in This Province and Execute the same as Judge in Causes Testamentary and as Suffragan or Commissary to the Lord Bishop of London to the Glory of God the Hono^r of their Ma^{ts} and to the Gen^l good and Benefitt of the Church of England already so prosperously founded by their Great Goodness & Grace in this Province.

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Journal.

p. 76

Answer Received to the same from the house is as follows:
Viz^t

By the Burgesses of Assembly Octob^r 18th 1694:

In Answer to the last Message Sent by y^r Ex^{ncy} the Govern^r and Councill Concerning a Suffragan wee are in this house agreed that the Office of Com^{missary} Gen^l is fitt to be bestowed on such of his Lsps Suffragans if their Maj^{ties} sees fitt gratuitously soe to Appoint it with this humble proposition that this Province is not able to raise any further Support at present for such a Suffragan. And humbly prayes that if your Ex^{ncy} & Covncill will vse yo^r Intrest wth his Lopp to send one on these tearmes you will highly Obleidge us therein.

Signed p order
C Lomax Clk Assembly.

The Hono^{ble} their Maj^{ties} Councill agree to the Same.

His Ex^{ncy} is pleased to propose to the Board that they would advise w^t way is best & most proper for the Service of their Ma^{ts} & intrest of the Countrey, to Settle the Land Office & ffees thereof And wth all that they would State the Case how that

Original
Journal. Office has formerly been held & how it now stands, to w^{ch} the Gentlemen of the Councill make Answer that all warrants for land & pattents did in the Lord Baltemores time issue out of the fores^d Office & all Certificates for the Same were Constantly thither Returned & there Entered upon Record of w^{ch} his Lordsp^s Secretarys had alwayes the Custody & ffees settled for issueing & Entering all such Writeings as likewise that there was a ffee Settled by an Act of Assembly of this Province upon his L^dsps Chancelor for the sealeing all pattents for Land, That in the late Govern^r Copleys time a Law passed giveing the same ffees as is afores^{en}coned, Unto their Ma^{ts} Secretary & Chancellor w^{ch} stands still Unrepealed & they do further say that his Lsp has now Erected an Office for granting Lands as formerly whose Officers take all such fees of the people now as were p^rscribed by the said Act; but for the well
p. 77 Settling & fully Ascertainig & Regulatig the afores^{en}tioned Office & for the Satisfaction of the Inhabitants of this Province they doe humbly Represent that it will be Absolutely necessary that this being the true State of the whole matter, the same may be humbly Laid before his Sacred Ma^{ty} to the End his Royall pleasure may be knowne by whome the said ffees shall be taken & where is thought the properest place to preserve & keep the said Records in.

The petition of Somerset County Comission^{rs} Returned back from the House of Burgesses signifyeing their Opinion that the Same did not properly lye before them, was thereupon taken into consideracōn by this Board.

And the Burgesses belonging to the said County sent for to see w^t they had to say thereto whoe accordingly Appeared & the said Matter fully Debated & Argued & then the said Burgesses with drew.

Resolved & Ordered that the Court house lately begun to be built in Somerset County by Order of the Comission^{rs} of the said County be out of hand finished & that the Courts be there held & kept;

And that an Order of this Board of the 30th of July last past relateing thereto be Null & Void

Produced the following papers sent from the house of Burgesses to this Board Viz^t.

By the Burgesses of Assembly October 18th 1694.

Proposed whether all Shipps remaining here in this province after the fleet have sailed, haue liberty to sayle or to be stopt to goe in a ffleete, This house doth think fit that they may be

Cleared by the discretion of his Ex^{ncy} the Govern^r to depart this Province as they shall be Ready. Original
Journal.

Signed p ord^r
C Lomax Clk Assembly.

This Board does agree to the Same.

Then was Read the following paper Viz^t

By the Burgesses of Assembly Octob^r 17th 1694.

This house doth think fitt that the allowance already proposed is Sufficient to their Maj^{ties} Councill^{rs} of this province and that the Countrey is not in a Capacity to allow them any more.

The House doth concurr wth his Ex^{ncy} the Govern^r & Councill the proposalls of Severall Lett^{rs} to be writt to severall persons as by a Lyst sent to the house of the Same.

Ordered by the House that their Maj^{ties} Councillors be paid p. 78 what is allowed them this present Gen^l Assembly in the Countyes wherein they doe inhabit, And that the severall Councillors Salaries due to them to be paid them as fast as Money Comes in & Can be Collected.

Proposed that the forty pounds of Tobacco p pole in Ann Arrundell County not Collected the Last yeare goe towards the building of a Church in Ann Arrundell Towne and Consented unto Nemine Contradicente that the said Tax of 40^l tob p poll in the said County be Collected the next yeare and to be paid to the Vestrymen for & towards the building of the said Church in the said Towne And what the building of the said Church requires More to be left to the Considerac^{on} of the next Sessions of Assembly for the Levying of the same in the said County.

Signed p Ord^r
C Lomax Clk Assembly.

This Board does agree to the Same.

Hen Denton Clk Concl.

Then was Read the following Vote, Viz^t

By the Burgess of Assembly Octob^r 18th 1694:

Voted that all the Countyes within this province that haue not Leavyed the forty pounds of tobacco p poll for & towards the Maintenance of Ministers or Building of Churches the last yeare, that the same be not Leavyed this yeare, but the next yeare Ensueing Eighty pounds of Tobacco p pole be Leavyed & Collected in the said Countyes.

Signed p order
C Lomax Clk Assembly

This Board doe agree to the same.

Original
Journal. And that Order goe to the severall Countyes Comanding of
them the 40 p poll this yeare & to be Employed to the
severall uses as the Law directs.

Then was Read the following paper Viz^t

By the Burgesses of Assembly Octobr^r 18th 1694.

The house doth accept of his Ex^{ncy} the Govern^{rs} Kindness
for ffifty pounds St^{rl} for the Creditt of the Countrey and
promiseth to Reimburse his Ex^{ncy} the Same when thereunto
required wth the thankes of this house.

Signed p Order
C Lomax Clk Assembly.

This Bord doe agree to the same.

p. 79 Then was Read the following Vote Viz^t

By the Burgesses of Assembly October 15th 1694.

Voted that M^r Robert Smith Speaker be Surveyo^r Gen^{ll} of
this Province for the Governm^t Nemine Contradicente.

And the Deputy Surveyo^{rs} for the Severall & Respective
Countyes appointed as followeth.

Sn^t Maryes County
Kent County M^r Simon Willmore
Ann Arrundell County M^r Richard Beard
Calvart County M^r Edward Batson
Charles County.
Baltemore County M^r Thomas Richardson
Talbot County M^r William Coursey.
Somerset County
Dorchester County Thomas Pattison
Cæcill County Thomas Covrsey.

Signed p Order
C Lomax Clk Assembly.

This Board doe agree to the same.

Then was Read the following Paper Viz^t

By the Burgesses of Assembly October 16th 1694.

Haveing Laid before us his Maj^{ts} Lett^r beareing Date the
11th day of October 1692: Relateing to the preservacon &
assistance of their Ma^{ts} Collony of New Yorke & Albanie wth
a Certaine Quota of Men & Money wth a former Lett^r Scheme

& also a Late Lett^r from his Ex^{ncy} Coll Benjamin ffletcher Govern^r of that place wth a New Scheme & Examinacōn of the Maquass Indian togeth^r wth a Small Treatise in print Relate-
ing to Severall consultations lately had with the Northern Indians all which this house haveing duely weighed & Considered in answer to w^{ch} wee say that the great vnavoidable & Continuall Charges ocasioned hereby the Late Revolv^{tion} & the vast Sumes of money Expended by our severall Agents in England out of the publick Revenue of this Province, Together wth the vast Sumes of Money & Tobacco in Arreares w^{ch} are now come to be paid Besides the Continuall Charge of severall Troopes constantly kept out for the security of our ffrontier Plantacōns these with other Like Circumstances doe Incapacitate us to Yeild any Supply or Assistance to the said Governm^t of New Yorke & Albanie at this Juncture and as to the Severall Articles Contained in the said Treatise Relateing to the Covenant Chaine renewed in which wee finde our Selves together wth the Severall Collonies included for which wee Returne our hearty Thankes & shall Ever Esteeme it both our Duty & Intrest upon all Occasions to use our utmost Endeavour for the preservation Safetie and Well faire of all their Maj^{ties} Subjects wth in these their Ma^{ties} Territoryes of America & More Especially for those to whome wee acknowledge our Selves soe signally and highly Obleidged.

Signed p Order
C Lomax Clk Assembly.

The Hon^{ble} Covncill being very Sencible of the afore Representation made by the house of Delegates doe concurr wth them therein.

Then Read the following Message of Thankes given by the House to his Ex^{ncy}. Viz^t

By the Burgesses of Assembly Octob^r 18th 1694

R^t Excellent S^r

And Right Worthy to bee soe

Haveing according to our hopefull Expectacōns: at the begining of this Sessions found the Verity thereof by your Noble & worthy deeds for their Ma^{ties} Service & our well being and happynes; Wee cannot without beeing wanting to our Selves faile in Returning you the Small Tribute of our most humble thankes;

To particularise the Signall & many generous offers of your Ex^{ncies} for their said Ma^{ties} Service & our Well fare as afd would Swell this beyond its proper Magnitude your pious Endeavours for propogation of the Gospell and Protestant Religion &

Original Instruction of youth here, Your Indifattigable care & paines
Journal. for Security & Defence of this Province your noble and Generous Treatment and Assistance to us & Candid Interpretations of what wee Loyally and Affectionately intended deserves better words Then wee have to Express our selves by

p. 81 Let this Noble S^r at present be accepted that wee are truly Sencible of the Same and shall not bee wanting in due acknowledgments at all times Beseeching you still to retayne us in your good opinion and to Use your Intrest with their Sacred Ma^{ts} to give their gracious assent and grant for those good things w^{ch} by your Ex^{ncyes} happy & good Advice wee have presumed to Petition their Ma^{ts} for, for propagation of ffree Schooles in your Ma^{ts} Province of Maryland

Signed p Ord^r
C Lomax Clk Assembly.

The Hon^{ble} their Maj^{ts} Covncill doe agree to and Joyne with the house of Burgesses in the said Message of Thankes to his Ex^{ncy}

An Acept^t of the Guifts of the severall Burgesses of the house for & Towards the building the free Schoole are as follows Viz^t

	¹ tob		¹ tob
M ^r Speaker	2000	M ^r ffrancis Watkins	800
M ^r John Watson	800	Cap ^t James Maxwell	800
Cap ^t Tho. Waughop	800	M ^r John ffevey	800
M ^r Kenelm Cheseldyn	4000	Coll Henry Corsey	3000
M ^r Rob ^t Mason	1000	M ^r Thomas Smithson	800
M ^r Philip Clarke	2000	Cap ^t W ^m Whittington	1000
Cap ^t John Bayne	2000	M ^r Mat Scarbourrough	1000
M ^r Hans Hanson	1000	M ^r Tho: Dickson	400
M ^r John Hinson	800	M ^r John Bozman	400
M ^r William ffrisby	1000	M ^r Henry Hooper	800
M ^r Thomas Smith	1000	M ^r Thomas Hicks	800
Cap ^t John Hammond	2000	M ^r John Pollard	800
M ^r James Sanders	800	M ^r Thomas Ennalls	1200
Maj ^r Edward Dorsey	2000	Coll Sn ^t Leger Codd	800
Cap ^t Richard Hill	4000	Coll W ^m Perrie	400
M ^r Thomas Greenfield	1200	Cap ^t John Thompson	800
M ^r ffrancis Hutchins	800	Coll Casparrus Herman	2000
M ^r George Lingan	800	Cap ^t George Thompson	
M ^r Henry Hawkins	1000	gave Maj ^r Hammond	
Maj ^r James Smallwood	800	a guinny peice of Gold	
Cap ^t W ^m Dent	2000	M ^r Thomas Tasker	1500
M ^r W ^m Hutchinson	1000	M ^r Nicholas Lowe	1200
M ^r Edward Bothby	1200		

His Exc^y proposes to the Board to what time & in what manner the Assembly shall be Adjourned & with all tells them that he does believe till the Last of ffeb^y may be a proper time but that he will acquaint them if there be a Case of Necessity to call them before that time he shall call them together by his Proclamation, which the Councill did thinke to be very proper.

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Journal.
p. 82

The Hon^{ble} S^r Thomas Laurence Secretary does propose in Councill the Hon^{ble} Thomas Brooke Esq^r to be his Deputy Secretary & Notary publick dureing his absence out of the Province, The which the said Esq^r Brookes (after some excuse made) did Accept of.

It is Represented to his Ex^{ncy} in Councill that the Laws upon passing never used to be againe Read over save onely the heads of the Same.

Coll. Addison & Cap^t Courts sent Downe to the house of Burgesses to Require them to Come up to the Covncill Chamber to see the Laws (which have been Assented to by their Ma^{ts} Hon^{ble} Councill & their house) passed by his Excellency whoe accordingly appeare.

M^r Speaker present the Body of Laws assented to by the house of Delegates and their Sacred Ma^{ts} Hon^{ble} Covncill for his Ex^{ncy} allowance.

M^r Speaker Reads to his Ex^{ncie} the titles of the Severall aforementioned Acts Assented to as afd, Together wth an Act for the Assessm^t of 1062928 pounds of Tobacco upon the Inhabitants of this Province for defraying the publick Charge thereof, likewise assented to.

October 18th 1694.

Came before the Hon^{ble} S^r Thomas Laurence Baron^t & Coll Nicholas Greenberry two of their Ma^{ts} Justices of the Prov^{ll} Court Charles Carroll And John Evans Gent. whoe did in the p^rsence of the Gen^{ll} Assembly Undertake Body for Body that William Burly & George Mason prisoners under sentence of Death for the murther of M^r John Payne, shall appeare & be forth coming to stand & abide his Sacred Ma^{ts} Determination when soever they shall be thereunto Required by his En^{cie} the Govern^r wth which they both declared themselves Contented.

The Laws passed the Seale & are thus Endorsed. Viz^t On behalfe of their Ma^{ts} King William & Queen Mary.

I will these to be Laws

ffr. Nicholson

Then his Ex^{ncy} was pleased to tell them that in the first place p. 83 he did on their Ma^{ts} behalfe thank them for their care &

Original Zeale in promoteing the worship of God & their Ma^{ts} Intrest
Journal. by makeing such Laws as he hoped would be for the Gen^l
good & Safety of this their Ma^{ts} Province.

And he further recomended it to them that they should according to their respective Stations & places see them carefully put in Execution. He also thanks them for their Many favourable & kind Expressions towards himselfe telling them that he had done no more than what he thought he was obliged to doe both in Conscience & Duty, and that he should always endeavour to be serviceable both to their Ma^{ts} & this their Province to the utmost of his Power.

Afterwards his Ex^{ncy} was pleased to declare his Resolution of Adjourning the Assembly to the last day of ffeb^{ry} next insueing, wth all acquainting them that if their should be Occation for their Sitting at that time he would issue out his Proclamacōn to give Notice thereof otherwise it would be only requisite a Sufficient Number should meet to adjourne the house, And soe his Ex^{ncy} Ordered the Speaker to repaire to the house and Adjourne it accordingly & the said Assembly was Adjourned to the last day of ffeb^{ry} next insueing

Hen: Denton

Cl Concil in Assembly.

Lib. L. L. 2. Maryland ss.

P. 52

Att an Assembly held att the City of S^t Mary's The Twenty first day of September in the sixth year of the reigne of our Sovereigne Lord and Lady William and Mary by the Grace of God of England Scotland France and Ireland King and Queen Defenders of the faith &c. Anōq Dni 1694. ffrancis Nicholson Esq^r Chief Governo^r

An Act for the Incouragment of Learning and Advancement of the natives of this Province.

Forasmuch as th^t it hath frequently happened That persons Comeing into this your Maties Province of Maryland either out of necessity or hopes of Advancement have been introduced into the Chiefe places and Offices of Trust and profit upon Private recommendation or particular promise before hand made by such person or persons in whose power and Authority the disposing of and preferring of and to such places and Offices of Trust and profit aforesaid did remain to the great discouragem^t of those persons that are qualified for the Execution of any the said places and offices aforesaid who being Inhabitants thereof have att all times as occasion require adventured their lives and fortunes for the Defence of this your Maties Dominion against all Domestick insurrections. Indian incursions That have hitherto been made or Attempted to be made to their no Small Charge and Expence

Therefore we your Maties most humble and most Loyall Subjects do humbly pray That it may be Enacted And Be it enacted by the King and Queen's most Excellent Maty's by and with the advice and Consent of this present Generall Assembly and the Authority of the same That from and after the publication hereof no person or persons whatsoever Coming into this Province and who have not made it their Seat of Residence for the full Space and time of three years shall have hould possess or enjoy any place or Office of Trust or Profit within the same either by himselfe or Deputy Except such person or persons as shall have your Maties Imediate Comission for any such place or Office aforesaid as also such person or persons now possesst of any such places or Offices as aforesaid, But that all and every your Maties Principall Officers within this Province haveing Power preheminance or Authority by Virtue of any Comission from Your most Sacred Maties to him or them Granted to dispose of any such Offices or places as aforesaid may upon Vacancy of any Place or Office whereof they have right to dispose or to preferr any person or persons thereunto obliged to make Choicē of such person or persons as they shall think most Worthy and Capable of Executing of such place or Office as aforesaid out of the Inhabitants of this your Maties Province and who have been Resident therein for and Dureing the time and terme aforesaid (Except before Excepted) any Custom or usage to the Contrary notwithstanding And be it further enacted by the Authority aforesaid That no person or persons whatsoever haveing Your Most Sacred Maties Comission to Exercise any Office within this Province shall be obliged Actually to Inhabitt within this Province and Exercise the same in his own proper person and not by any Deputy or Deputys.

Lib. L. L. 2.
P. 53

An Act prohibiting all Masters of Ships and Vessells or any other person from Conveying or Transporting any person or persons out of this Province without passes. p. 54

Be it enacted by the King and Queens most Excellent Maties by and with the advice and Consent of this present Gen^l Assembly and the Authority of the same That from and after the publication hereof any person or persons whatsoever Intending to depart this Province shall first give notice of his her or their Intended Departure by setting up his her or their name or names att the Secretarys Office the full Space of three months that if in the time aforesaid no person shall underwrite the said Person or Persons so setting up his her or their respective name or names as aforesaid, It shall then be Lawfull for the Governo^r Keeper of the great Seale or Secretary of this Province for the time being to Signe a pass to any Person

Lib. L. L. 2. or Persons to Depart this Province for which Pass the party shall pay to the Person signing the same the Sum of Two shillings and six pence Sterling and if any person or persons upon any suddain or Emergent occasion are necessiated to Depart this Province not haveing sett up his her or their name or names att the Secretarys Office aforesaid then such person or persons giving good and sufficient security to the Governor Keeper of the Great Seale or Secretary to discharge and pay all Debts and Accounts whatsoever due and owing, from the s^d persons to any of the Inhabitants then the said person or persons so Departing may have a Pass as aforesaid

p. 55 And be it further Enacted that any Master of Ships or Vessells or other person whatsoever that shall Transporte or Convey out of this Province by Land or Water any ffreeman being indebted by Bill Bond Accompt or otherwise to any Inhabitant thereof without such pass under the hand of the Governor, Chancellor or Secretary aforesaid shall be lyable to satisfy all such Debts Engagements and Damages to the person or persons to whom such Debt or Damages respectively shall be due within this Province Except the same be otherwise Satisfyed or that the Transportor or Conveyor away of such person or persons procure such person or persons to returne againe in one month after whereby he may be lyable to Justice here and every such person as aforesaid as shall Transporte or Convey away out of this Province any Servant or Servants being Servants here by Condition for wages Indenture or Custom of the Country shall be lyable for to pay and Satisfy unto the Master or Owner of such Servant or Servants so Carried away all such Damages as he or they shall make appear to be Justly due to such Master or Owner for want of such Servant or Servants as the Court before whom such Cause shall be tryed shall think fitt, and whereas severall ill minded people inhabiting and residing att the head of the Bay have Customarily sett persons over the head of the Bay and Susquehannah River being either ffelons Debtors or run-away Servants from the more remoter parts of this Province for some small Advantage they haveing in buying or getting

p. 56 such money Goods or Apparell by them feloniously purloyned from their Masters and other Owners by which means they may have easy Access to another Governm^t in reterdation of Justice and to the great Damage of such Creditors Masters or Owners aforesaid Be it therefore Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid That from and after the publication hereof no person or persons Inhabiting or being att the head of the Bay or in any other part of this Province shall Transporte or Convey or Cause to be Transported or Conveyed any person or persons over

Susquehannah River aforesaid or any other Part of the Bay Lib. L. L. 2.
above the North side of Sassafras River on the Eastern side
of the Bay not haveing Passes so procured as aforesaid or a
Certificate from under the hands of Two Justices of the Peace
of that County where such person or persons intending to
Travell shall Inhabit and the County Seale affixed thereunto
Certifying the ffreedom of such persons and that he she or
they are Clear to the best of their knowledge from any
Engagements Impeding their Travelling as afores^d on Pen-
alty of Answering all such Debts or Damages to Creditors
Masters or other Owners of Servants to be recovered as by
this Law is Provided against such as shall Actually sett them
out of this Province any Matter or thing herein Contained to
the Contrary Notwithstanding.

An Act Confirming and makeing Valid the last Will and
Testament of Augustine Herman late of Cecill County Gent:
as it now Stands Recorded in the Commissary Generalls
Office of this Province

Whereas The Last Will and Testament of Augustine Her- p. 57
man late of Cecill County Gent. Deceased duely proved and
Entred upon Record in the Comissary Generalls Office in this
Province in Year of our Lord God one Thousand six hundred
ninety and one upon Search for the same was found to be
Imbezelled feloniously purloyned taken Carried and Con-
veyed away out of the said Office so that no such Record
remained thereof And Whereas upon the Petition of Mathias
Vanderhayden of Cecill County Gent a Copy of the said Will
proved to be in Effect a true Copy thereof was by the last
Generall Assembly of this Province ordered to be Entered
upon Record in the said Office And the Petitioner Mr Mathias
Vanderhayden refferred to petition the next Assembly for Con-
firmation thereof Be it Enacted by the King and Queen's
most Excellent Maties by and with the Advice and Consent of
this present Generall Assembly and the Authority of the same
That the said Will so proved and Entered upon record as
aforesaid shall and is hereby Deemed and taken to be as
Sufficient and Valid and in as full force power Effect and
Virtue as if the same Really & bona fide were the Prime
Originall record of the aforesaid Will and shall Extend and
enure to all and every the Effects and purposes therein and
thereby declared any Law Statute or usage to the Contrary in
any wise notwithstanding.

An Act for the Naturalization of Peter Ferdinando and his
Children, of Andrew Imbert, Claudius Dutitree Gerardus
Missells and James his Son, Abraham Ambrose Lewis Dee

Lib. L. L. 2. Kock Brune John de Vagha Herman van Burkelo Nicholas de lamontaigne Hendrick Sluyter and Jacob Sluiter Junior

p. 58 Be it enacted by the King and Queen's most Excellent Māties by and with the Advice and Consent of this present Generall Assembly and the Authority of the same That Peter Ferdinando, Winifrid, Elizabeth, Mary, and Ann Daughters of the said Peter Andrew Imbert, Claudius Dutitree, Gerardus Wessells and James his son, Abraham Ambros and Abraham his sonn Lewis deKock Brune John de Vagha Herman Van Burkelo Nicholas de la Montagne Hendrick Sluyter and Jacob Sluyter Junior and all and every of them shall from henceforth be adjudged reputed and taken as naturall borne People of this Province And th^t they and every of them by the Authority aforesaid be Enabled and adjudged to all Intents and Purposes to Demand Challenge ask have hold and enjoy any Lands Tenements Rents and Hereditaments to which they might in any wise be Intituled as if they were free and naturall borne People and Subjects & also that they and every of them shall and may be Enabled to prosecute maintaine and avow and Justify and Defend all maⁿer of Actions suits pleas plaints and other Demands whatsoever as liberally, ffrankly ffreely fully Lawfully and securely as if they and every of them had been naturall borne people or Subjects any Law Statute usage or Custom to the Contrary in any wise notwithstanding.

An Act touching Coopers and the Gage of Tobbacco Hogsheads

p. 59 Be it Enacted by the King and Queen's most Excell^t Maties by and with the Advice and Consent of this present Generall Assembly and the Authority of the same That all Tobbacco hogsheads that shall hereafter be made within this Province shall be of the seize of fourty eight inches in length and thirty Two inches in the head and not under the size of fourty six inches in length and Thirty one inches in the head And That what Cooper or Coopers or other person or persons That shall make Tobbacco Hogsheads and do not observe the Gage aforesaid shall forfeitt the s^d Cask and upon Complaint thereof made the matter of fact being proved by two good and Sufficent Evidences it shall and may be Lawfull for the Justices of that respective County Court where such person or persons do inhabit to give Judgem^t thereupon to the party or partys grieved and That any Cooper or Coopers person or persons whatsoever that shall agree with any the Inhabitants of this Province and undertake with him or them to sett up or make his or their Tobbacco Hogsheads and Casques shall and are hereby Enjoyned to sett up and finish one halfe of the said Tobbacco Hogsheads and Casks by the Tenth day of

October next Ensueing the undertakeing the makeing of such Lib. L. L. 2.
Tobacco Hogsheads and Casks as aforesaid and the other
Moiety or halfe part of the said Tobacco Hogsheads and
Casks to sett up and finish by or before the Tenth day of
December next Ensueing such Contract as aforesaid, And if
any Cooper or Coopers person or persons whatsoever within
this Province so agreeing and undertakeing the same as afore-
said shall Willfully or otherwise neglect to make sett up Com-
pleat and finish the said Tobacco Hogsheads and Cask afore-
said according to such Gage & by such time as aforesaid he
shall forfeit the sum of one hundred pounds of Tobacco for
every Ton of Casque and Tobb^o hogsheads left att the time
and times aforesaid unmade sett up or unfinished to be
recovered in the Severall and respective County Courts where p. 60
the party or partys Cooper or Coopers do att that time
Dwell or reside unlesst the Cooper or Coopers person or
persons agreeing or undertakeing the said or Task aforesaid
shall or can before the Comissioners of such County Court
make it Sufficiently Appear that he was hindered in perform-
ing the said Agreement by sickness or some other Lawfull
Impediment which plea shall be adjudged of by the said Com-
issioners of the severall and respective Countys, af^d

And be it also enacted by the Authority aforesaid by and
with the Advice and Consent aforesaid That from and after
the Publication hereof all Merchants Traders Planters and
other Inhabitants of this Province makeing any Crop of Tob-
bacco shall Provide and Cause to be fallen and Sawed by the
last day of Aprill by the furthest every year respectively all
such Timber as he Intended or Allotted for the makeing
Tobb^o Hogsheads to the Intent the same may be well
seasoned under the penalty of one hundred pounds of Tobacco
for every hogshead he or they shall have sett up or made of
any other Timber then what shall be seasoned as aforesaid
one halfe to our Sovereigne Lord and Lady the King and
Queen their heires or Successors for the Support of this Gov-
ernment the other halfe to him or them That shall sue for the
same to be recovered in any Court of Record within this Pro-
vince wherein no Essoyne protection or Wager of Law to be
Allowed And be it further Enacted by the Authority afore-
said by and with the Advice & Consent aforesaid That no
Tobacco Hogsheads nor Casques for Tobacco shall be set p. 61
up or made by any Cooper or Coopers w^tsoever of any other
Timber then what is herein before provided and the same to
be hewn and Riven into Staves and heading by the last day of
July in every year respectively and that such Cooper Coopers
or other persons undertaking to sett up such Tobacco hogs-
heads as aforesaid do att the Compleating and finishing of the

Lib. L. L. 2. said hogsheads as aforesaid att each respective house burn in the Bulge of each respective hogshead by him sett up as aforesaid with a Brand Iron the Two first Letters of his name and every hogshead by him so branded to weigh and the true weight thereof with Marking irons to cutt into the Bulge af^d on penalty and forfeiture of the loss of his Labour for every Casque or Hogshead not Branded as aforesaid to the Imployer of such Cooper as also the sume of one hundred pounds of Tobbacco for every hogshead by him falsly weighed or marked as aforesaid one halfe thereof to our Sovereigne Lord & Lady the King and Queen their heires and Successors for the use afores^d and the other halfe to him or them that shall sue for the same to be recovered as aforesaid Provided That this Act nor any thing therein Contained shall be Construed or taken to prejudice any Cooper or Coopers or other person or persons undertaking to sett up Tobbacco Hogsheads as aforesaid for any Error or Mistake in the Weight of each respective Hogshead by him so weighed and Marked as af^d not Exceeding five pounds Weight in the hogshead and that all and every person and persons whatsoever that shall undertake to make his or their own Cask shall and are hereby obliged to brand weigh and Mark every respective hogshead by him so made under the same Penalty and forfeiture as is before mentioned

p. 62 and Expressed And be it further Enacted by the Authority aforesaid by and with the Advice & Consent aforesaid That every Master or other owner of any Servants or negros Coopers or that shall Imploy any Servant or negro to sett up his her or their Cask or Tobbacco hogsheads such Master or other owner shall be obliged to fall Saw rive hew and sett up such their Tobbacco hogsheads within the Severall and respective times as by this Law is before limitted and appointed, and them when finisht to brand Mark & Weigh under the same Penaltys and forfeitures as is before Provided against Coopers and other persons undertaking to sett up Tobbacco hogsheads as aforesaid in Consideration of all which the Receiver of any hogshead of Tobbacco shall pay and allow to the Owner or Owners thereof for each hogshead Received the sume of fourty pounds of Tobbacco deducting out of the Gross weight the true weight of each hogshead Marked on the Bulge aforesaid and no more any other Act to the Contrary notwithstanding.

An Act for Confirmation of all proceedings Juditall Military and Civill from the death of his Excellency Lyonel Copley Esq^r their Maties late Governor and Cap^t Generall of Maryland &c unto the Arrivall of his present Excell^{cy} Francis Nicholson Esq^r the present Governor thereof.

Whereas upon the Death of Lyonel Copley Esq^r late Gov-
ernor of Maryland, S^r Edmond Andros Knight Governor of
Virginia in their Maties names did Assume and take upon
him the Government and Chief Comand of this Province by
Virtue of a Comission from their Maties bearing Date the
third day of March Anno Domini one Thousand six hundred
and ninety one in the fourth year of their Māties reigne under
their Signett and Signe Manuall, wherein and whereby their
Majesties were pleased by those presents to Constitute &
appoint the said S^r Edmond Andros upon the Death of Cap^t
Francis Nicholson and in the Absence of the said Lyonel
Copley (and not otherwise) to be Comānder in Chief in and
over this Province and by Virtue thereof the said S^r Edmund
Andros in theire Mātys name by his Proclamation bearing
Date the Twenty fifth day of September one Thousand six
hundred ninety and three in the fifth year of their Māties
reigne reciteing That whereas by the Death of the said
Lyonell Copley theire Maties late Cap^t General and Governo^r
in Chiefe in and over this theire Province of Maryland and the
Absence of Cap^t Francis Nicholson their Maties Liev^t Gov-
erno^r of the same the Chief Comānd and Government of the
said Province was Committed to the Charge and Conduct of
him the said S^r Edmond Andros Kn^t their Maties Liev^t and
Governor Generall of their Colony and Dominion of Virginia he
the said S^r Edmund Andross thereby did Proclaime and
Declare That all Officers Civill and Military should hould and
Continue their Severall and respective places and Offices by
the same as in and by the said Comission and Proclamation
remaining upon Record in the Councill Records more att
large may Appear and because upon reading and inquireing
into a Certain Comission of their Māties bearing Date the
Twenty fourth day of February Ano Domini one Thousand
six hundred Ninety and one. To Captaine Francis Nicholson
Appointing & Constituting the said Francis Nicholson Liev^t
Governor of and in this Province and upon the Death of the
said Lyonell Copley to Exercise and Execute the severall
powers & Authoritys in the said Commission to the said Gov-
ernor Copley, it appears to us That their Māties had made
Express provision that the said Liev^t Governor Nicholson
upon the Death of the said Lyonel Copley Esq^r should Suc-
ceed to the Chiefe Comānd in this Province and if not present
upon the place att the Death of the said Lyonell Copley That
the Councill should take upon them the Government of the
Province whereof the first in Councill to preside neither doth
the said Comission to the said S^r Edmund Andros Sufficiently
Authorize the s^d S^r Edmund Andros to take upon him the Gov-
ernment afores^d but upon the Death of the said Francis

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Lib. L. L. 2. Nicholson Esq^r and Absence of the said Lyonel Copley Esq^r neither doth the Proclamation afores^d of the said S^r Edmund Andross Agree with the said Comission in reciteing that his Access to the Government was by the Death or Absence of the s^d Francis Nicholson Esq^r which in the said Comission is Expressly Confined to the Death of the said Francis Nicholson and not Absence neither did the said S^r Edmund Andros take such Oath for observing of a Certain Act of Parliament made in the Twelfth year of King Charles the seconds reigne

p. 65 of blessed memory Intituled an Act for the Incouraging and encreasing of Shipping and Navigation before his Entrance into the Government afores^d as by the said Statute is Comanded enjoyned and required of all Governors and Comanders in Chiefe of any their Māties Lands, Islands Plantations, and Territorys nor Administer or Direct the same to be Administred to Colonell Nicholas Greenbury by him left as President nor S^r Thomas Lawrence att his next Comeing and because also that by the Access of the said S^r Edmund Andros to the s^d Government by his Authority Diverse Acts and Actions Judiciall & Civill have been done Executed and performed in Courts of Records & otherwise in this Province which for the reasons afores^d appear precautious and Doubtfull in tender Contemplation whereof and for the ease and quiett Peace and Settlement of your Māties most Loyall and Dutifull Subjects of this your Māties Province They humbly pray and beseech your Royall Māties That it may be Enacted And be it enacted by your Sacred Māties by and with the advice and Consent of this p^rsent Generall Assembly and by the Authority of the same That all maⁿer of Actions Suites Causes and all proceedings in all & every their Māties Courts within this Province either by holding setting Adjourning Continueing or other Proceeding to hearing and Determining any Suite, Action Motion Petition or other Matter whatsoever shall be had taken accepted & reputed as Valid in Law or Equity and of Absolute force Efficacy & strength in Law to

p. 66 all Intents purposes and Constructions as any other Judiciall proceedings by any other of their Māties more ample Comissions for the due Government of this Province heretofore Granted and all and every Officer and Minister Civill or Military in this their Māties Province shall and are hereby Confirmed Established and ratified for in or by reason of any Legall Acting & proceeding in their Severall and respective Offices places and Stations from the time of the Access of the said S^r Edmund Andros Kn^t to his Excellencys the present Governor Francis Nicholson Esq^r his Arrivall and takeing the Government upon him any Clause Imperfection or want of Authority in or to the said S^r Edmund Andros or the Comis-

sion afores^d to the said S^r Edmund Andros notwithstanding Lib. L. L. 2.
Provided That nothing in this Act be taken and Construed to
Justifye S^r Edmund Andros his takeing and disposing the
publick Revenues for the Supporte of the Governm^t of this
Province or Debarr the Assembly or any person whatsoever
of their right or Claims to the same which he took.

An Act Ascertaineing the Expences of the Delegates of
Assembly and Com̄missioners of the Provinciaall & County
Courts.

For the Ascertaineing Limitting and Allowing unto the p. 67
severall and respective Deputys and Delegates that serve or
shall serve in the Generall Assemblys of this Province and of
the severall and respective Com̄missioners of the Provinciaall and
County Courts of this Province such Sume and Sums of
Tobacco as is hereby thought necessary and Sufficient for the
Defraying their Charges in Attending such Assemblys and
Courts as aforesaid

Be it Enacted by the King and Queens most Excell^t Māties
by and with the Advice and Consent of this present Generall
Assembly and the Authority of the same That all such Dele-
gates & Burgesses of Assembly shall be allowed the Sume of
one hundred and fourty pounds of Tobacco a Day dureing
the time they shall Attend such Assemblys and no more
(beside theire Itinerent Charges) to be paid and Allowed them
out of the Publick Leavys of this Province And the Severall
and respective Com̄missioners of the Provinciaall Courts for the
Defraying their Charges & Expences dureing the time they
shall sitt in and Attend such Courts the Sume of one hundred
and fourty pounds of Tobacco p Day and no more beside
their Itinerant Charges to be paid them likewise out of the
publick leavy of this Province as afores^d and the Severall
Com^{rs} of the County Courts shall be Allowed for the Defray-
ing of their Expences dureing the time they shall attend such
Courts as aforesaid the sume of Eighty pounds of Tobacco
per Day and no more which sume of Eighty pounds of
Tobacco as aforesaid the said Com^{rs} of the County Courts are
hereby Impowered to Assess and leavy where such Com̄-
missioners shall serve as aforesaid for Defraying the Expences p. 68
afores^d and no more Provided allways and it is the true intent
and meaning of this Act That where any Justices of any
County Court being a full Court or above the number of
Seaven shall agree together in Court Sitting and Consent to
lessen any Allowance hereby Given or if it be to take the same
Totally off, it shall and may be Lawfull to such full Court to
lessen and take off any part of the Allowance hereby given
and settled to the Com̄missioners of the said County Courts and

Lib. L. L. 2. Entring such Rule in the Record shall for that year be an absolute Law and rule for every Justice of that County Court as to their Expences and it shall not be Lawfull to Collect or raise any more Tobbacco for defraying the County Court Justices Expences then so much as by such Consent and Rule shall be limited and Agreed on as afores^d and if they see fitt to make the same Rule or such other as they shall agree on as afores^d once in every year dureing this Act anything herein to the Contrary notwithstanding And be it further Enacted That one Act of Assembly made att a Generall Assembly of this Province begun and held att the City of St Marys the Tenth day of May in the year of our Lord one Thousand six hundred ninety and two Intituled an Act Ascertainig the Expences of Comissioners of the Provinciall and County Courts be and is hereby utterly repealed and made Void.

p. 69 An Act for Erecting Ann Arundell and Oxford Towns into Ports and Towns.

Be it Enacted by the King and Queens most Excellent Māties by and with the Advice and Consent of this present Gen^l Assembly and the Authority of the same That from and after the Publication hereof The Land Called the Town Land att Seavern in Ann Arundell County where the Town was formerly and the Land att Oxford in Talbott County where the Town was formerly shall from hence forth be Towns and Ports and Places of Trade where all Ships and Vessells may Come to for Entring & Clearing to which End the Collector of that District or his Lawfull Deputys shall Constantly Reside att the said Towns and Ports and also Navall Officer or Officers or their Deputys shall also Constantly reside there for giveing Dispatch to all Ships and Vessells Coming or Tradeing into them ports and that the same Towns & Ports may be Capable of being built upon and Inhabited by persons desireing to Dwell and inhabit in them Be it Enacted by the Authority aforesaid That from and after the Proclaiming of this Act all and every the persons named herein for Comissioners shall be Com^{rs} of and for the said Two Towns and each of them and they and every of them shall and may Execute the Powers & Authoritys hereby given them according to the Directions hereafter Given and proscribed as well for the buying and purchasing the aforesaid Towns Lands of the now Owners and Possessors of the same as for the Surveying and laying out the same & Stakeing out the severall Lotts to be laid out in them to the end the Length breadth and Extent of each Lott in each Town and Porte may be known and Distinguished (that is to say) for the said Town and Porte of Ann Arundell in Ann Arundell County aforesaid, Major Ham-

mond, Major Edward Dorsey M^r John Bennet, M^r John Dorsey, M^r Henry Constable, M^r Andrew Norwood, M^r Philip Howard, M^r James Sanders and the Hono^{ble} Nicholas Greenbery Esq^r And for the Town and Porte in Talbott County att Oxford aforesaid M^r Edward Mann M^r John Edmundson M^r Clement Saile M^r John Neels M^r John Hawkins M^r Thomas Robins and M^r Thomas Robins Junior The Hon^{ble} George Robotham, M^r Thomas Smithson and M^r Robert Smith And be it Enacted th^t the Com^{missioners} herein nominated for each Respective Town in each County aforesaid or the major part of them are hereby Impowered Sometime before the five & Twentieth day of February in the year of our Lord One Thousand six hundred ninety four to meet together upon the respective Lands and places for Towns before mentioned then & there to Treat wth and Agree with the Owners and all persons interested in the said Lands and buy and purchase of such Owners and others Interrested in the said Lands one Acres of the said Lands att Discretion of the persons aforesaid least prejudiciall to the Owners and they that purchase shall Cause the same to be Surveyed and after Survey so made shall Cause the same to be marked Staked and Divided into Convenient Streets lanes and Alleys with other Spare places to be left on which may be a Church Chapell Market house or other publick building and the remaining part of the said one hundred Acres to be divided into one hundred Equall Lotts Marked on Some Posts or Stakes towards the streets or lanes with numbers one, two, three, four, and so to an hundred out of which Lotts the Owner of such Lands shall have the first Choice for one Lott dureing the Space of one Year after the said five and Twentieth day of February Except his Excellency Francis Nicholson Esq^r Governor of this Province who shall have the next Imediate Choice of one, Two, or three Lotts in each or either of the said Towns if his Ex^{cy} so pleases after which the Lotts shall be taken up by the Inhabitants of the Countys onely dureing six months after laying out the same and if the inhabitants shall not take up the same Lotts in the time aforesaid It shall be then free for any person or persons whatsoever to take up the said Lott or Lotts paying the Owner Proportionably for the same And in Case any person or persons shall willfully refuse to make Sale of any such Lands herein before mentioned or any person or persons through Nonage Coverture or non Sane memorie or other Impediment or disability whatsoever that then the Com^{missioners} aforesaid nominated for each respective Town are hereby Anthorized by Virtue of this Act to issue out Warrants to the Sherriiffs of the said Countys to Impower them to Impannell and return a Jury of ffreeholders to appear before

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Lib. L. L. 2. the said Commissioners which Jury upon their Oaths to be Administred by the said Com^{rs} are to inquire & Assess such Damages and Recompence as they shall think fitt to be
 p. 72 awarded to the Owners and all persons Interrested according to their Severall and respective Interrests in the said Land or any part thereof and what sume of Tobbacco the said Jury shall adjudge the said Land to be worth shall be paid to the said Owners and persons Interrested by such person or persons as shall take up the s^d respective Lott or Lotts proportionably thereunto and the said Com^{rs} or the Major part of them are hereby Impowered by respective Warrants under their hands and Seals to sumons the Surveyor Generall or the Surveyor of the County to Survey and lay out the said one hundred Acres in the places aforementioned in maner and forme aforesaid to be marked and Staked out as aforesaid and when the same is so Surveyed and laid out as aforesaid and Valued as aforesaid That then whosoever shall make Choice of any such Lott as aforesaid and make Entry thereof before and with the officer or person as by the Commissioners shall be appointed to keep the Book for Entry of the same and pay such Sume or quantity of Tobbacco as shall by the discretion of the Commissioners be rated upon such Lott and payable to the Owner of such Land and on Such Lott shall build one Twenty foot Square Dwelling house att least within twelve months after takeing up the same unless such building be larger then herein Expressed shall by Virtue thereof and of the building and finishing as afores^d invest the taker up and builder as aforesaid with an Estate of Inheritance in the said
 p. 73 Lott to him his heires and Assignes for ever and be a perpetuall Barr to the Owners and persons Interrested in the said Lands either within or without this Province even against his Lordship the Right Honorable Charles Lord Barron of Baltimore Lord Proprietary of this Province his heires and Successors Yielding and paying to the s^d Lord Proprietary and his Successors forever the yearly Rent of one peny Currant money for each respective Lott as afores^d And that the Surveyor of each Town and Porte as aforesaid shall have and receive such ffees and rewards for laying out and Stakeing the Towns and Lotts as afores^d as the said Com^{rs} shall Allow and settle and no more And any person or persons that shall build and Inhabit in such Porte or Town and shall owe any Sum or Sums of Tobb^o and will pay the same in such Town as he shall be Allowed Ten p Cent for every hogshead of four hundred weight and upwards so paid in Towns to be deducted out of the Debt aforesaid or pleadable in barr of the Creditor And be it further Enacted by Authority aforesaid by and with the advice and Consent aforesaid That any person

or persons That have heretofore taken up any Lott or Lotts in either of the Towns by Virtue of any former Law of this Province and built thereon according to the same former Law they and every of them their heires and Assigns shall have and enjoy a good sure Estate of Inheritance to them and their heires for ever under the Rents and Services herein mentioned and the Severall Lotts so built on shall be Deemed and taken as part of the one hundred Lotts as aforesaid and the same Town layd out as Conveniently thereto as may be And be it Enacted by the Authority aforesaid That att the Town and Porte of Seaverne in Ann Arundell County shall be bought or Valued by the Jury as before in this Act is mentioned all that parcell or neck of Land within Levey Neck Cove and Actons Cove lying and adjoyning or near to the Town Land as aforesaid or so much thereof as by the Com^{rs} shall be found Convenient to be fenced in and Called the Town Common or Pasture and paid for and fenced in att the publick Charge and shall be for the publick use and Service when need shall require and that the Inhabitants of the said Towns shall not raise any Stock of Cattle or hoggs horses or Sheep more then what they Can Containe and raise upon their respective Lott or Lotts and not more att the discretion of the Com^{rs}missioners of The said Towns.

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An Act Impowering Richard Bishop of Talbot County Brother and heire of William Bishop late of Talbott County deceased to sell and Dispose of so much Land as will Amount to fifty Thousand pounds of Tobbacco for the payment of the Charges Expended in recovering of the said Estate.

Whereas William Bishop late of Talbott County Deceased did make his Last Will and Testament in Writeing and therein amongst Diverse Legacys and bequests did devise unto Richard Bishop senior and to Richard Bishop Junior and to William Bishop Severall Tracts of Lands to them and their heires for ever Declaring that they should not alien any of the said Lands but that they should remaine Continue and be in the name of the Bishops for ever And whereas the said Richard Bishop after the decease of the said William his Brother did Come into this Country and Demanded all the said Lands in Right of himselfe and his Two Sons Richard and William Bishop but the Executors in the Will named did forceably hold deteine and keep out the said Bishop from all and every part and parcell of the said Land Contrary to the said Last Will and Testament and the said Richard in his own Right and the Right of his sons William and Richard Bishop did Comence his suite ag^t the Executors for recovery of the said Lands and did pursue the same through the whole Course of

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Lib. L. L. 2. the Common Law and from thence to the high Court of Chancery where the suite Ended and the said Bishop recovered all the said Lands and Appurtenances thereunto belonging in which suites he for Costs Charges ffees and Expences did Expend to the sume of fifty thousand pounds of Tobbacco by the Long Continuance of the said Suites And whereas the said Richard and William his sons are now in England under age and whereas the Expences aforesaid were for himselfe and them Jointly Expended and for that the said Debt and Interest of the same will before the said Children Come to Age Eat out the said Estate, he does therefore pray That it p. 76 may be Enacted and Be it Enacted by the King and Queens most Excell^t Māties by and with the Advice and Consent of this Present Gen^l Assembly and the Authority of the same That he the said Richard Bishop for the reasons aforesaid and for payment of the Debt aforesaid may be Impowered and Lawfully Authorized to Grant Bargain Sell Alien Enffeeoff and Confirm to any person or persons That will purchase the same so much of the said Land as will amount to the said Sume of fifty Thousand pounds of Tobbacco upon any part thereof the Mann^r house and Plantation Excepted & that the Sale be good and Valid in Law & indefeasable in ffee simple against any person or persons whatsoever Provided That the Quantity that shall be alienated Exceed not above Eight hundred Acres there being no other way or Expedient that Can be found for paying the Debt as aforesaid and relief of him the s^d Rich^d Bishop and Discharging the Debt upon the said Lands as afores^d accrued.

An Act for Tonnage & Ascerteining Navall Officers ffees.

Be it Enacted by the King and Queens most Excellent Māties by and with the Advice and Consent of this present Generall Assembly and the Authority of the same That the Severall and respective Master or Masters of all Ships or Vessells Tradeing and Coming into this Province of what p. 77 burthen soever shall att the time of Entring such Ships or Vessells as aforesaid pay unto the Governor of this Province for the time being three pence p Ton for every Ton of Burthen the said ship shall be of (all such Ships and Vessells as are bona fide built in and belonging to the people of this Province Excepted) or give good Caution to the Navall Officer with whom he or they shall Enter for the paym^t thereof And it is hereby Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid That the severall and respective Navall Officers of this Province within their Severall and respective Districts for the severall Acts and things relating to his or their Office by him or them hereby enjoyned to

be done shall have and receive the fees hereafter mentioned Lib. L. L. 2.
and no more (to witt) for Entring any Ship or Vessell Coming
and Tradeing into this Province being under the Burthen
of one hundred Tons the Master thereof shall pay unto the
respective Navall Officer with whom he shall Enter such Ship
or Vessell as a fee for Entring thereof the sume of five shill-
ings sterling and no more and five shillings more for the
Clearing thereof And if such Ship or Vessell shall be above
the Burthen of one hundred Tons or of Two hundred Tons &
upwards The Master for the Entry thereof shall pay the said
Navall Officer as a fee Ten shillings Sterling and Ten shill-
ings for the Clearing thereof, And the said Navall Officers are
hereby Obliged to Enter all ships or Vessells of what burthen
soever of the buill of this Province and whereof the Owners p. 78
do inhabit and reside within this Province the Sume of two
shillings six pence sterling which is hereby allowed and Ascer-
teined him as a fee therefore and for the sume of Two Shill-
ings six pence shall Clear the same And be it further
Enacted by the Authority aforesaid That all small Boats
belonging to this Province and being under Eighteen foot by
the Keele shall pass and repass without any Lett hinderance
Molestacōn or Seizure of the same (unless they shall Carry
and have on board them prohibited Goods or Goods Lyable
to pay Custom to their Māties not Cocquetted or Clearing
for the same) without being obliged to take out permitts for
such passing and repassing as aforesaid. And That the
Masters of all Shallops and open Sloops tradeing within this
Province do pay unto the severall Navall Officers or their
Deputy or Deputys appointed for the Granting of Permitts
the sume of Two shillings six pence Yearly & no more for the
granting of such Permitts as aforesaid and shall give good
Security to be taken by such Officer aforesaid in their Māties
names That he or they shall and will duely observe the Acts
of Trade & Navigation and other the good Laws of this Pro-
vince relateing thereto And be it further Enacted That all
and every Collector and Collectors of this Province shall have
and receive such fees for Entring and Clearing such Ships
and Vessells as aforesaid as are above allowed to the Navall
Officers and no more And That all Collectors and Navall
Officers shall make a faire Table of all their fees and hang p. 79
them up in their Offices under the Penalty of fifty pounds
Sterling to their Māties their heires and Successors for the
Supporte of Government to be recovered in any Court of
Record within this Province by Action of Debt Bill Plaint or
Information wherein no Essoyne protection or Wager of Law
shall be Allowed.

Lib. L. L. 2. An Additional Act to the Act for Quieting of Possessions.

Whereas att a Generall Assembly begun and held att S^t Marys in the Province of Maryland the Twenty seaventh day of March in the nine and thirtieth year of the Dominion of Cecilius &c. Anoq Domini 1671 It was then and there amongst other things Enacted (Viz) An Act for Quieting Possessions which Act did Assure and Confirme all Estates made by reall Purchacers of all Lands Tenements and hereditam^{ts} whatsoever before the day of the Date thereof and not after And whereas att a Generall Assembly held att the City of S^t Marys the thirteenth day of Aprill in the Two & fourtieth year of the Dominion of Cecilius &c. Añoq Dni 1674 Entituled an Act of Enrolling Conveyances and secureing the Estates of Reall Purchasers it was therein Contained amongst other things Viz. That all That from thenceforth should purchase any Land of Inheritance should purchase the same by Deed Indented or other sure Deed and Enroll the same in the

p. 80 County where the Land lyeth or in the Provinciall Court or the Principal heads of the same Deed Clearly shewing and declareing the Mañer how Lands should pass from man to man. And forasmuch as the same Law did not Provide for the Security of all those Titles That did pass from man to man from the Twenty Seaventh day of March one Thousand six hundred and Seaventy one untill the thirteenth day of Aprill in the Year of our Lord one thousand six hundred seaventy and four nor no other Law Extant for secureing those Titles being under the same Circumstances as those of one Thousand six hundred Seaventy & one Wee the Deputys and Delegates of this present Generall Assembly do pray that it may be Enacted And be it Enacted, by the King and Queens most Excellent Māties by and with the Advice & Consent of this Present Generall Assembly and the Authority of the same That the aforesaid Law Entituled An Act for Quieting of Possessions and all the Branches and Provisoos therein Contained be in full force and Virtue untill the thirteenth day of Aprill in the Year of our Lord one thousand six hundred Seaventy & four and not after.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

*At a Session held at Ann Arundell Town,
February 28-March 1, 1694/5.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

FRANCIS NICHOLSON,
Governor.

THE UPPER HOUSE.

At a Councill in Assembly held at Ann Arundell Town in Ann Arrundell County the 28: day of Feb. in the Seaventh yeare of the Reign of our Sovereign Lord and Lady King William & Queen Mary Anno Dom 1694: By Adjournm^t Second Session

Original
Journal.

Present

His Ex^{ncy} Francis Nicholson Esq^r

The hon^{ble} { Coll George Robotham }
 { Coll Nich^o Greenberry }
 { Thomas Tench Esq^r }
 James Frisby Esq^r }
 Edward Randolph Esq^r }

His Ex^{ncy} was pleased to send for the Attorneys in Town who accordingly appeared to whome he Expressed as follows, Viz^t That the Assembly was Adjourned to this day, and that the Chief thing at present he had to Offer to them was that a Law might be prepared to help the defect of Sn^t Maries County Court falling otherwise it was Represented the County would be damnified at least a hundred thousand pounds of Tobacco, therefore Willed them to prepare a Bill ready to present to the House of Burgesses pursuant thereto, who accordingly tooke leave and after some short space of time came again and presented a Bill drawn up to the said Effect.

Came from the House of Burgesses, M^r Cheseldyn, M^r Smithson, Cap^t Bayne and M^r Clarke who Signified to his Ex^{ncy} that the house was mett according to Adjournm^t and desired to know if his Ex^{ncy} had any thing to impart to the house, to whome his Ex^{ncy} was pleased to say that they should have an Acco^t presently,

Went from this Board, the hon^{ble} Coll George Robotham & James Frisby Esq^r to acquaint the House his Ex^{ncy} desires their Attendance here.

They return again, together with the Speaker & house of Burgesses.

His Ex^{ncy} was pleased to acquaint them that he should not have given them any trouble to have stay'd at this time but that an Accident had happened in Sn^t Maries County, Namely the fall of the said County Court which defect he recommended

Original Journal. unto them to be supplied by a short Law for that purpose to continue all process at that time depending before the said Court, acquainting them that the Attorneys had already presented to the Councill a Draught of such a Bill which was given them by his Ex^{ncy} together with Sev'all Qæries put to the Attorneys by his Ex^{ncy} and their Opinion upon the Same in relation thereto.

In the next place was Recommended Unto them the preparing another Bill for Reviving all such Laws as by this Sessions should now Terminate, And lastly that they would consider what time would be best to Adjourn to.

M^r Ennalls and M^r Smithson come from the House of Burgeses with the following Bills Viz^t

Bill for recontinuing of the late discontinued Process & Proceedings of Sn^t Maries County Court.

Bill for Naturalization of Daniell Dauison Sen^r and Daniell Dauison Jun^r

Bill for Reviving some Temporary Laws of this Province.

The above Bills were all Read here first time & returned to the House.

Petition of Charles Carroll Read as follows, Viz^t

To his Ex^{ncy} Francis Nicholson Esq^r Cap^t Gen^{ll} and Govern^r of Maryland in Councill

The Humble Peticon of Charles Carroll
Sheweth

That your Pet^r has purchased from Elizabeth Baker of Sn^t Maries County a certain Messuage in Sn^t Maries City commonly known by the name of the Countrey house which said Messuage was Leased to John Baker the husband of the said Elizabeth for the Terme of Twenty ffve years (which said Terme is now within Eight years of being expired) by Govern^r Notley, vnder the yearly Rent of one Bushell of Wheat.

That the said John Baker in his life time and the said Elizabeth since his death has expended above thirty thousand pounds of Tobacco in making Brick walls and Chimneys & other Reparations about the said house in Expectation of a Renewall of the said Lease for a longer time, according to promises made by the Respective Govern^{rs} of this Province at severall times, the benefit of which promises together with the whole remaining intrest of the said Lease is Assigned to y^r Pet^r

That one side of the said house and the whole covering is now quite decayed and unless speedily Repaired will fall to the Ground, to prevent which your Petitioner intends to make

all the walls of the said house of Brick and new cover the same, which will cost him above Twenty thousand pounds of Tobacco but when done the said house will be capable of Entertaining most of the Suito^{rs} to the County Court.

Original
Journal.

Wherefore your Pet^r most humbly prayes that in as much as your Ex^{ncy} is the trustee of the Countrey in such Matters & that the said house has been heretofore alwayes Leased by the Govern^{rs} of this Province that your Ex^{ncy} would please as well in consideration of the former Expences made by the said John and Elizabeth about the Repaires of the said house, as of the your Pet^r intends to be at about the said house, to add to the remaining time Five and Twenty years more or as many as to your in your wisdom shall think fit whereby your Pet^r may be encouraged to goe on, with the said Reparations.

And as in Duty bound he Will pray
Cha. Carroll.

The said Peticon was sent to the house with the following Message indorsed, Viz^t

By his Ex^{ncy} the Govern^r & Councill &^{ca}

ffeb^{ry} 28th 1694.

This Board does think fit to Grant & allow the prayer of the Pet^r if the House of Burgesses Agree thereto.

Signed p Order
Hen Denton Cl Concl.

The said Peticon was returned again to this Board with the following Message indorsed, Viz^t

By the Burgesses of Assembly, February 28th 1694.

The house doth think fit to make the Eight years one and Twenty and the Pet^r to have a Lease for the said Terme of time Provided he Repaire the said House as is in his Petition mentioned and at the Expiration of the Terme of Time to leave the Same in Repaire &^{ca}

C Lomax Clk Assembly

March 1st 1694:

Agreed to by the Covncill and that his Ex^{ncy} give a Lease accordingly
Hen Denton Cl Concl.

Bill for recontinuing &^{ca} Proceedings of Sn^t Maries County Court.

Original
Journal. Bill for Naturalizacōn of Dan^{ll} Dauison Sen^r & Dan^{ll}
Dauison jun^r

Bill for reviving some Temporary Laws of this Province.

The said Three Bills being again brought from the house were Read here a Second time and so returned.

The said Three Bills being again Brought from the house were read here a Third time and so returned in Order to be fairly Engrossed.

The following Memorandum of Proposals by Order taken and delivered to M^r Speaker by the Clarke of this Board, Viz^t

To Speake to M^r Speaker where the Records shall be kept.

To see about the Clay cast up for the Bricks, whether it be good or no.

The Speaker and Burgesses to see how the Town is laid out, and whether they like the Manner of it.

To know what is to be done with the loose papers left behind and the Commissaries Records when to be Removed.

To fill up the Number of Surveyors not yet Deputed.

Answer of the house to the same returned as follows, Viz^t

By the Burgesses of Assembly March the 1st 1694:

In Answer to severall proposalls sent by his Ex^{ncy} the Govern^r & Councill to the house &^{ca}

To Speake to the Speaker where the Records shall be kept.

Voted that the Records be kept in Maj^r Dorsey's house where they are lodged at present Untill the next Sessions of Assembly.

To see about the Clay cast up for the Bricks Whether it be good or no.

Voted that the whole house View the Same.

The Speaker and Burgesses to see how the Town is Laid out, and whether they like the Manner of it.

M^r Richard Beard the Surveyor being called into the house and the Plott of the Town being by M^r Speaker Demanded of him the said Beard saith that for want of some Large Paper to draw the same on, it is not yet done; the house therefore cannot give any Answer to the Same.

To know what is to be done with the loose papers left behind, and the Commissaries Records when to be Removed.

Voted that his Ex^{ncy} appoint such persons as he shall think fit to Inspect into the Bonds and Bookes belonging to the Commissaries Office and that they be conveyed to Ann Arrundell Town by the Next Session of Assembly; and that the

loose papers left at Sn^t Maries in the Secretarys Office be well Secured and Conveyed to Ann Arrundell Town by the Next Sessions of Assembly and to be secured with the Rest of the Records.

Original
Journal.

To fill up the Number of Surveyors not yet Deputed.

M^r John Lowe Nominated by the house for Sn^t Maries County

M^r Joseph Manning for Charles County.

M^r Solomon Wright in the Roome of M^r W^m Coursey for Talbot County

M^r Edward Green for Somerset County.

Maj^r Thomas Ennalls for Dorchester County.

M^r Thomas Coursey for Cæcill County.

True Copy C Lomax Clk Assembly.

March first 1694:

His Ex^{ncy} & Councill Assent to the above Answer of the house of Burgesses and Order as it is hereby Ordered that the persons Sever^{ly} appointed to Inspect the Secretaries Records, doe inspect the Commissaries Records Likewise and that they meet at Sn^t Maries the ffifteenth day of Aprill next for the said End and purpose, and cause the same to be conveyed on horse back in the same Baggs which the others were conveyed in together with the loose papers.

Hen Denton Cl Concil.

March the first 1694:

Council in Assembly again Sate and were

Present

His Ex^{ncy} Francis Nicholson Esq^r

Coll Henry Jowles

Coll John Addison

Thomas Brooke Esq^r

James ffrisby Esq^r

Edward Randolph Esq^r

M^r Speaker with the Rest of the house of Burgesses come and P^{rsent} three Bills yesterday here Read fairly Engrossed, to be passed by his Ex^{ncy}

Afterwards Delivered by the Clark of the house, Coppyes of the following Votes. Viz^t

By the Burgesses of Assembly ffeb^{ry} 28th 1694.

Voted that what tobacco of the 40^l Tob p poll for and towards the Maintenance of Ministers or building of Churches in Talbot County that was not Collected and paid to the Vestrey men of the said County in the year 1693: and

Original
Journal. Remaining in the hands of the Sherriffe of the said County be
Reserved and Secured towards the Building of a Church at
Oxford Town in the County aforesaid, &^{ca}
True Coppy C Lomax Clk Assembly.

March first 1694:

Assented to by his Ex^{ncy} and Councill,
Hen Denton Cl. Concil.

By the Burgesses of Assembly ffeb^{ry} 28th 1694.

Voted that a Publick fferry be kept upon South River in
Ann Arrundell County for the Carrying over of all persons
that have any business here at Provinciaall Courts and Assem-
blyes to be held at Ann Arrundell Towne In the County afd:
And also that a Publick Ferry be kept over Severn River in
the said County for the said End and purpose during the time
of Provinciaall Courts and holding of Assemblyes, and at other
times haveing Business to do at any of the Offices to be kept
there; And that Cap^t John Hamond and Maj^r Edward Dorsey
do agree with the persons concerned for the keeping of the
said publick fferry's, as cheap as they can for the whole year,
and to be paid out of the Publick Leavye.

Voted that a Publick Ferry be kept upon Petuxant River in
Calvert County some place about Mount Pleasant for the
Carryeing over of all persons that have any business to do at
Provinciaall Courts & Assemblyes to be held at Ann Arrundell
Town in Ann Arrundell County during the time of Assem-
blyes and Prov^{ll} Co^rts, and at other times haveing any Busi-
ness to do at the Severall Offices to be kept there; And that
Mr Thomas Tasker & Mr George Lingan do agree with the
Persons concerned for the keeping of the said Publick fferry in
Calvert County afd. for the whole year and the said Publick
fferry to be settled at or near the place aforesaid Where they
shall think most fit and Convenient for the same and to be
paid out of the Publick Leavye.

True Coppy C Lomax Clk Assembly.

March first 1694:

Assented to by his Excellency and Councill.
Hen Denton Clk Concil.

The three Engrossed Bills here presented being again Read
were Signed by his Ex^{ncy} and passed under the Broad Seale
of the Province

Then his Ex^{ncy} acquainted them with his intent of furth^r
Adjourning the Assembly vntill the Eighth day of May next
and willed the Speaker to adjourn the house accordingly.

So Ended This Sessions of Assembly.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

*At a Session held at Anne Arundel Town,
February 28—March 1, 1694/5.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

FRANCIS NICHOLSON,
Governor.

THE LOWER HOUSE.

Journal of the House of Assembly

Original
Journal.
p. 1

Begunn and held at Ann Arundell Towne in Ann Arundell County, on the last day of Feb^ry in the Seventh yeare of the Raigne of our Sovereigne Lord and Lady William and Mary by the Grace of God of England, Scotland, France, and Ireland King and Queen Defend^{rs} of the ffaith &c: and in the yeare of our Lord 1694.

The Second Sessions,

Maryland ss:

The house of Assembly by the order of his Ex^{cy} Francis Nicholson Esq^{re} their Mat^{ys} Governor in Chief in and over this province and Territory of Maryland being Adjourned from the Eighteenth day of Oct^r last past to the last day of Feb^ruary next Ensueing

At which day the house being mett at the Court house at Ann Arundell Towne in Ann Arundell County, To witt: On the said last day of Feb^rary being Thursday in the Yeare of our Lord 1694.

M^r Speaker orders the members of the house to be Called over, soe what members were present and did appeare, which was done as followeth, to witt:

For the City of S^t Marys.

Cap^t Thomas Waughop

For S^t Marys County

M^r Kenelm Chiseldyne }

M^r Robert Mason }

M^r Philip Clarke }

Capt. John Bayne }

For Kent County

Coll^o Hans Hanson }

M^r John Hinson }

M^r W^m Frisby }

M^r Thomas Smith }

For Calvert County

M^r George Lingham }

M^r Thomas Tasker }

For Ann Arundell County

Cap^t John Hamond }

M^r James Saunders }

Major. Edw^d Dorsey }

For Charles County

M^r Henry Hawkins }

Coll^o James Smallwood }

Cap^t W^m Dent }

For Baltemore County

M^r Edward Boothby }

M^r Francis Watkins }

M^r John Ferry }

For Talbott County

M^r Robert Smith }

Coll^o Henry Coursey & }

M^r Th^s Smithson }

Original For Dorchester County

Journal.
p. 2M^r John PollardM^r Thomas HicksM^r Thomas Ennalls

For Cæcill County

Coll^o Casperus A: HermanColl^o W^m PearceCap^t John Thompson

Proposed By M^r Speaker. Whereas the house is now mett and called, that they send to his Ex^{cy} the Gover^r to know what his Ex^{cy} desires to imparte to this house, for that they are ready to attend to what he had to imparte to them.

Whereupon M^r Kenelm Chisseldyn, M^r Philip Clarke, Capt John Bayne and M^r Thomas Smithson, were sent by the house to his Ex^{cy} the Governor to know what his Ex^{cy} had to imparte to us.

M^r Chisseldyn, M^r Clarke Capt Bayne and M^r Thomas Smithson returne to the house and say that they delivered their Message, and that his Ex^{cy} will send down to this house.

Coll^o George Robotham and M^r James Frisby came downe to this house from his Ex^{cy} the Governor to acquaint them that his Ex^{cy} expects their attendance at the Councill chamber presently.

The house is adjourned for an hour

Whereupon M^r Speaker with the rest of the members of this house Went up to the Councill Chamber to his Ex^{cy} the Governor, to know what his Ex^{cy} had to impart to this house

His Excellency was pleased to deliver to M^r Speaker a Bill for the Recontinueing of the late discontinued process and proceedings of S^t Marys County Court.

The Order of Councill relateing to the conveying of the Records from the City of S^t Marys to Ann Arundell Towne in Ann Arundell County with two lists of the said Records conveyed as afores^d as alsoe severall copyries of Letre: voted this present Sessions of Assembly to be writt to the Honble Lord Bishops and others persons in England with severall other papers for the perusall and Consideracon of this house.

M^r Speaker and the rest of the members repaire to their own house againe and there take their places.

A Bill for Recontinueing of the late act discontinued process and proceedings of S^t Maryes County Court, read the first time and passed.

The Order of his Ex^{cy} relating to the conveying the Records from S^t Maryes City to Ann Arundell Towne in Ann Arundell County with the two lists of the said Records conveyed to the place afores^d being read and considered by this house.

Ordered that the said order of Councill relateing to the conveying of the Records to the place afores^d with the two Lists of the said Records, be entered upon the Journall of the house.

Citty of S^t Maries Tuesday Feb^{ry} the 12th 1694.

Original
Journal.

Pursuant to an Order of his Ex^{cy} and Councill of the fourth of Jan^{ry} last past Severall persons appointed to meet at the State house in order to viewe and inspect the Records lying at the State house, meet here accordingly at the Councill Chamber, His Ex^{cy} being present was pleased to propose what manner of way would be the best and safest for conveying the said Records by land, Whoe make answer that the best way of conveying the Same, will be upon horses in Baggs, covered with hides, and that to goe over point patience Ferry is the most convenient Roade.

Ordered thereupon that the Sheriffe of S^t Maryes County procure Sufficient Baggs, Cordage and hides to pack up and put the said Records in fitt for carrying on horse back, as likewise take care to have a sufficient number of horses and men for guards ready ag^t tuesday next to carry them to M^r Beckwiths house over ag^t point patience as afs^d. And that the Baggs be Sealed up with the great Seale of the province and that the Sheriffe of Calvert County have ready at the day and place aforesaid three or four good Boates well manned in order to transport them over Puttuxent River, and there take charge of the same and keep strict centreys over them at nights to preserve them from fire and other accidents, and that none alter or deface the same, and to see that the said Records are lodged in some safe and secure place, untill the said Records reach Ann Arundell Towne, in Ann Arundell County, and deliver to the Sherriffe of the said County, forthwith the said Records; and into the charge and care of the Commissioners concerned for Building the State house, who are to take accompt of and secure the same in the most convenient Place they thinke fitt.

Ordered that the severall persons sumoned be ready to morrow morning early to inspect and take accompt of the said Records as afs^d and that M^r Freeman, M^r Stephens and M^r Bradford attend to the takeing of the said Acc^t in writeing, and that M^r Taylard and M^r Grunwin formerly clerkes of the provinciall office be sent for.

A List of the Record Bookes in the Provinciall office taking on the 13th day of Feb^{ry}: 1694.

S. N: M.	Records begun 1672 ending 1678.	1639 fol ^o
S. —	Records begun 1658 ending 1662	1192 fol ^o
G —	Records begun 1638 ending 1644	— not fol ^o
W C. —	Writt Booke 1674 ending 1678	195 fol ^o
II —	Records begun 1658 ending An ^o 1659	not fol ^o

Original Journal.	C. B. —	Criminall Booke begun 1676 end: A° 1683	156 fol°
	W. C. N° 2	Writt Booke begun 1678 end. A° 1679.	145 fol°
	N N:	Records begun 1673 end: A° 1676	77 fol°
	G: G.	Record Bookes for Bonds and Cocquetts begun A° 1661 end: 1664.	
p. 4	H. W.	M ^r Buttons Booke begun 1662 ending 1663. not folioed	
	T L.	Paper Booke of protests 1669 ending 1684	not folied
	K K.	Book in Quarto 1665. for entering Shpp ^s	
	A. A.	Record Book begun 1664 Ending 1677	not folied
	L D.	Record Book begun 1691. not folio ^d	
	H. H.	M ^r Tulls Book of Records 76: fol. wanting and found in Lib ^r S. and begun at fol: 77: A° 1686 end. A° 1689	209 fol°
	VZ:	Book of protests A° 1663 end. A° 1674	95 fol°
	R. T.	Record Book begun 1688	85 fol°
	S. S.	Record Book begun 1688	77 fol°
	W T.	Spiall Dockett to 1692, being the tryall of Kinwell Morgan and others	
	L. S.	Rent Record Book begun	23 fol°
	Y.	Journall of the Assembly A° 1650 Ending 1672	
	W. C. N° 3.	Writt Book A° 1680 Ending A° 1682	375 fol°
	T. C.	Record Book A° 1683. not folied	
	E E:	Record Book A° 1665 Ending A° 1669	798 fol°
	Z. E. C:	Record Book A° 1675. Ending A° 1679	904 fol°
	W. N° 1.	Record Book A° 1679 ending 1684,	910 fol°
	B. B.	Record Book A° 1663 ending 1664	524 fol°
	I I.	Record Book A° 1669 ending 1673	493 fol°
	I L.	Book of Sumons A° 1686 ending 1693.	
	B. B.	Writt Book A° 1667 ending 1674	162 fol°
	D. S.	Record Book. A°: 1692 ending 1693	412 fol°
	E. B.	Writt Book A° 1689 ending 1694.	209 fol°
	D. S.	Writt book A° 1686 ending A° 1689	57 fol°
	W H:	Book of Laws	
	W. C.	Conveyance Book A° 1676 to A° 1694	699 fol°
	C. B.	Chancery Book begun 1668 to 1671 old & Broken	581 fol°
	P. C.	Chancery Book with clasps begun 1671.	

Statutes at Large

Copy p Henry Wrotherly Clk:

List of the Records of Lands taken out of the Secretaryes
office:

Lib: A Provinciall & Lands A° 1646 to 1650.

B. The same and an Alphabett to both books, 1651–1652–
1653.

F. Records of Lands from 1640 to 1643.

H. Entry of Lands from 1650 to 1655.

I & K. Burles 2 Books of Rights from 1649 to 1657.

Original
Journal.

Q. Lands 1658.	}	So. N° A. 1683 to 1684.	}	p. 5
R. Lands 1659.		N S. N° B. 1685.		
X. Lands 1661 &c to 1663.		N S. N° 2. 1685.		
A.A. Lands 1663		GB N° 6. 1685		
C.C. Lands 1664 & 1665		D. S. N° B. 1686.		
D.D. Lands 1665.		D: L. N° H.		
E.E. Lands 1665: & 1666.		D. Book of Instructions.		
F.F. Lands 1667.		L. 1656–1657.		
G.G. Lands 1667 & 1668.		W D. Patent Book 1689		
H.H. Lands 1668 & 1669.				
I. I. Lands 1669 . . .				

R M. Lands at the Whore Killns . . . 1670.

K K. Lands from 1670 to 1672

W. T. Lands from 1670 to 1672

M. M. Lands from 1672 to 1675

L. L. Lands from 1673 to 1678.

W. C. Lands from 1675 to 1680.

W. C. N° 2. Lands from 1676 to 1680.

C. B. N° 2. Lands from 1680 to 1682.

C. B. N° 3. Lands from 1682 to 1683.

S. D. N° A. Lands from 1683 to 1684.

W. C. N° 3: 1680.

W. C. N° 4: —

W. C. N° 5: 1684.

In the book of Instructions the first four pages torne out.

In Lib: 66. the two first pages torne.

In Lib: R. the first leafe torne out.

In Lib: F. from fol: 9 to fol: 101 wanting.

In Lib: H: the first leafe torne out.

In Lib: K. the first leafe torne out.

In Lib: F. F. from fol: 176 Cut out.

In Lib. B. one parte of the leaf in fol: 189 torne

In Lib: . . . the first leafe torne out, and in the same Book
from fol: 18: to fol: 23 torne out

In ditto A. from fol: 122 to 125. wanting

In ditto A. from fo: 276 to 279 wanting

In ditto . . . fo: 283 to 284 wanting. The whole conteyns
400 pages

In Lib: 2: 1658: the first 13 leafes loose and torne at the topp:

Cop: p Henry Wriothsley Clk:

Original Journal. As also the following returne ordered by the house to be Entered upon the Journall of the house.

Ann Arundell Feb^{ry} the 28th 1694.

Maryland ss:

Pursuant to an Order of his Ex^{cy} Francis Nicholson Esq^r p. 6 Governor of Maryland and the honble the Councill of the said Province Convened at S^t Mary's on the 24th of Jan^{ry} last past appointing Severall persons (best qualified to that purpose) to Inspect the Records lying at the State house at S^t Maryes on the 12th day of this Instant Feb^{ry} and to propose and resolve upon the best way and method for the Removall and conveyance of the said Records.

We whose names are underwritten do hereby testifie and declare (as well for the Satisfaction of his Ex^{cy} and Councill, and the Burgesses and Delegates of this province, this day assembled at the Towne of Ann Arundell, as of all other persons whom it may concerne).

That whereas the s^d Records according to the list or Catalogue of the Same taken and made out by the Severall persons appointed as afs^d An Authentick Copy whereof is in the hands of M^r Henry Denton Clerke of the Councill, were on the nineteenth of this Instant by the Order and Authority of his Ex^{cy} and the honble Councill comitted and given to our Custody and charge in Order to be conveyed to this place. Wee have without any damage, Loss or p^rjudice Safely brought all and every the said Records to this towne Ann Arundell and have delivered and placed the same, as by the said order is directed.

In Testimony whereof wee have hereunto sett our hands this 28th day of Feb^{ry} 1694.

Henry Wriothesley
John Freeman

By his Ex^{cy} the Governor and Councill Feb^{ry} the 28th 1694.

Ordered that the within Returne be recorded in the Journall of the house of Burgesses, and then returned to this house with the Lists of the Records this day sent.

Signed p order
Hen: Denton Clk: Councill.

The house doth concur for the same to be Entered upon the Journall M^r Thomas Smithson and M^r Thomas Ennalls sent up to their Maj^{tys} honble Councill with the af^d Bill for recontinueing the late discontinued process and proceedings of S^t Mary's County Court.

Daniel Dauison his petition being read and considered by this house. Ordered that a Bill be prepared for the naturalization of the said Daniel Dauison and Daniell his Son. Original
Journal.

M^r Smithson and M^r Ennalls returne to the house and bring the af^d Bill, Endorsed (to witt)

Febr^y 28th 1694. Read the first tyme and passed in Councill

Hen: Denton Clk: Councill.

A Bill for the Recontinueing the late discontinued process and proceedings of S^t Mary's County Court, read the 2^d tyme by order of the house

A Bill for the naturallization of Daniell Dauison and Dan^l his son read the 1st time

A Bill for reviveing certaine Laws read the first time.

The above said Bills sent up to their Ma^{ty}s honble Councill by M^r Edw^d Boothby and Major James Smalwood. p. 7

M^r Edw^d Boothby and Major Smalwood returne to the house and bring the af^d Bills Endorsed to witt.

Read and passed in Councill Eodem die & Anno:

Hen: Denton Clk: Councill.

The house Adjourned for an houre.

The house met againe

A Bill for the naturallization of Daniel Dauison and Daniell his son. Read the second tyme by order of the house.

A Bill for the Recontinueing the late discontinued process and proceedings of S^t Marys County Court, read the third tyme, and passed.

A Bill for the reviveing of certaine Laws, read the second tyme by order of the house.

Ordered that the said Bills be engrossed by tomorrow morning by the clerke of this house.

Voted that what Tob: of the 40^{ls} of Tob: p poll for and towards the mainteynance of Ministers and building of churches in Talbott County, and which was collected and paid to the Clergymen of the said County in the yeare of our Lord 1693, and still remaining in the Sheriffs hands be reserved and secured for and towards the building of a church at Oxford Towne in Talbott County af^d

Voted that a publique Ferry be kept upon South River in Ann Arundell County for carrying over all persons that have any business to do at provincially courts and Assemblies to be holden at Ann Arundell Towne in Ann Arundell County af^d

Original Journal. and also that a publique Ferry be kept upon Severn River in the County af^d for the same end and purpose dureing the tymes of provinciall Courts and Assemblyes, and at all other tymes dureing business at the offices belonging to the said Courts, and that Cap^t John Hamond and Major Edward Dorsey do agree with the persons concerned for the keeping of the said publique Ferryes, as cheape as they can for the whole yeare, and to be paid out of the publique Levy.

Voted that a publique Ferry be kept upon puttuxent River in Calvert County in some place about Mount Calvert for the carrying over of all persons, that have any business to do at provinciall Courts and Assemblyes to be holden at Ann Arundell Towne in Ann Arundell county, dureing the tyme of provinciall courts and assemblyes, and at all other tymes haveing any business at the offices belonging to the s^d courts and that M^r Thomas Tasker and M^r George Lingham do agree with the persons concerned for keeping of the said publique Ferry

p. 8 in Calvert County af^d as cheape as they can for the whole yeare, and the said publique Ferry to be settled at or near the place aforesaid, where they shall thinke most fitt and convenient for the same, and to be paid out of the publique Levy.

The house is adjourned till to morrow morning at 8 of the Clock.

Fryday March the 1st 1694.

The house mett againe.

Proposed by some of the members of this house to take into consecedon the Act of the last Sessions of Assembly Entituled an Act for the Imposition of four pence p Gall: on Liquors imported into this province, and Whether the said Act is to fall in exempting all Shippes and Vessells that should after this act, be built and belong to the people of this province from the Duty therein imposed, as was intended by the act of Assembly.

Thereupon it is unanimously resolved, that it never did enter into the calculation and intent of the said Assembly to impose said duty on any Shipp or Vessel that should after the proclayming of that act, be built in and belonging unto the people of this province, but should be wholly exempt from all the said duty of 4^d p Gallon, according to the true intent and meaning of the said act, and that the two pence p Gallon is not to be exacted of such; but onely of Shippes or Vessells as were built before the said Law, or belonging to the people but not built in this province.

A Bill for the naturallization of Daniell Dauison and Daniell his son. Read the Second time.

A Bill for reviveing of Certaine Laws. Read the second time Original Journal.

A Bill for recontinueing the late discontinued process and proceedings of S^t Mary's County Court, was read the second time.

The said three bills were ordered by the house to be signed.

Severall proposalls by his Ex^{cy} the Governor and Councill, To Speake to the Speaker, where the Records shall be kept.

Voted that the Records be kept in Major Dorseys House where they are lodged at present untill the next Sessions of Assembly

To see about the Clay Cast up for bricks whether it may be good or not. Voted that the whole house view the same.

To know what is to be done with the loose papers left behind and the Commissaryes Records when to be removed.

Voted that his Ex^{cy} appoint such persons as he shall thinke fitt to inspect into the Bonds and Books belonging to the Comissary's office and that they be conveyed to Ann Arundell Towne in Ann Arundell County by the next Sessions of Assembly and that the loose papers left at S^t Mary's behind be well secured and conveyed to Ann Arundell Town by the next Sessions of Assembly, And secured with the rest of the Records.

Call up the number of Survey^{rs} not yett deputed.

P. 9

M^r John Lowe Sury^r for S^t Maryes County.

M^r Joseph Manning Surveyor for Charles County.

M^r Solomon Wright Surveyor for Talbott County, in the Roome of M^r W^m Coursey.

M^r Edw^d Green Surveyor for Sumersett County.

Major Thomas Ennalls Surveyor for Dorchester County.

M^r Thomas Coursey Surveyor for Cæcill County.

Moved by a member of this house in behalfe of the Towne of Oxford that M^r William Stephens did give fifteen Acres of Land to the use of the said Towne and which was confirmed by the same, but the Deeds appearing to be torne and imperfect prays the Consideraccōn of this house that the Towne may have the benefitte intended for them.

The house Adjourned for an hour.

M^r Speaker with the rest of the members goe up to his Ex^{cy} the Governor and Councill to the Councill Chamber, and carryed with them the af^d three bills, which were signed by his Ex^{cy} the Governor, and passed under the Great Seale of this province (to witt:)

An Act for the naturallization of Daniell Dauison and Daniell his Son.

Original Journal. An Act for the reviveing of certaine Laws &c:
An Act for the Recontinueing the late discontinued process
and proceedings of S^t Mary's County Court.
The a^{fsd} Lawes were signed by his Ex^{cy} thus: (to witt:)

On the first day of March in the yeare of our Lord 1694,
on the behalfe of theire Majesties King William and Queen
Mary,

I will these be Lawes.

Afterwards his Ex^{cy} acquainted them with his resolution of
adjourning the Assembly, and accordingly Orders M^r
Speaker to adjourne the house till the 8th day of May next
ensueing,

Who thereupon with the rest of the members of the house
repaired to the Court house again and there tooke their
places.

M^r Speaker with the rest of the members of the house com-
plyant to his Ex^{cys} abovesaid order adjourned to the 8th day of
May next ensueing

Soe endeth this sessions of Assembly, March the first in the
yeare of our Lord 1694, in the seventh yeare of the Reigne of
our Sovereigne Lord and Lady King Willm and Queen
Mary.

Cleborne Lomax Clk: of
Assembly

Lib. L. L. 2. Att a Sessions of Assembly held att Ann Arundell Town in
p. 81 Ann Arundell County on the last day of ffebruary in the sixth
year of the Reigne of our Sovereigne Lord & Lady Wiliam
& Mary by the grace of God of England Scotland France
and Ireland King and Queen Defenders of the faith &c. Anno
Dni 1694 Were enacted

An Act for the recontinueing of the late discontinued Pro-
cess & proceedings of S^t Mary's County Court.

Whereas by the late Severity and Sharpness of the
Weather the Justices of the peace and Comissioners Comis-
sionated and Appointed for the houlding of the County Court
of S^t Marys County were Impeded and obstructed from
Comeing to hould the said Court upon the first Tuesday of
January last according to their Comission and by their not
Comeing to hold and adjourne the said Court great inconven-
iency and incommodity hath happened to the Severall

Suitors to the said Court the Severall pleas, process and proceedings depending in the said Court being by that means discontinued and putt without Day to the great Loss and Damage of the Suitors aforesaid for remedy whereof and that the Severall pleas Writts Process and Proceedings of the said Court may be revived restored and recontinued and putt in as full force as they were before the said Discontinuance happened The Delegates of this present Generall Assembly do pray That it may be Enacted And Be it enacted by the King and Queens most Excellent Māties by and with the Advice and Consent of this present Generall Assembly and by the Authority of the same That all and Singular Writts pleas process & proceedings and all other matters or things which did depend upon the same or had any Relation thereunto which were hanging depending and undiscust in the said County Court of S^t Marys County att any time before the first Tuesday in January which was in the year of our Lord 1694 and by the Noncoming of the Justices aforesaid were discontinued and put without day are hereby recontinued revived & Restored and to all Intents and purposes Whatsoever put in as full Vigour Strength force and Virtue as if the said discontinuance or putting without day of the Writts pleas process and proceedings aforesaid had never been nor happened and to the End that the Several Suitors to the said County Court may have full notice and intelligence and that the Severall persons who were bound by recognizance to Appear att the said County Court may also have notice of this Act and that they may keep their day by makeing their Severall and respective Appearances att the next County Court of S^t Marys County af^d

Be it further Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid that the Sherriffe of S^t Marys County do make Proclamation of this Act and the Severall things therein Contained in the most publick places of this County.

An Act for the Naturalization of Daniel Dauison Senior and Daniel Dauison Junior of Calvert County

Be it Enacted by the King and Queen's most Excellent Māties by and with the Advice and Consent of this present Generall Assembly and the Authority of the Same That Daniel Dauison of Calvert County Senior and Daniel Dauison Junior Son to the said Daniel from henceforth be and are hereby adjudged reputed and taken as naturall borne people of this Province and that they by the Authority aforesaid be enabled and ajudged to all Intents & purposes to Demand Challenge Ask have hold and enjoy any Lands Tenements Rents and Hereditaments to which they might in any wise be

Lib. L. L. 2, intituled as if they were free and naturall borne Subjects and also that they shall & may be Enabled to presecute, maintaine Avow Justify & Defend all and all maner of Actions Suits and Demands whatsoever as Liberally frankly freely and as Lawfully as if they or either of them had been free and Naturall borne Subjects of the Kingdom of England any Statute Law usage or Custom to the Contrary notwithstanding.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND,

*At a Session held at Ann Arundell Town,
May 8-22, 1695.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

FRANCIS NICHOLSON,
Governor.

THE UPPER HOUSE.

At a Councill in a Generall Assembly (by Adjournm^t) Original
Journal.
Begun & held at Ann Arrundell Town in Ann Arrundell
County the Eighth day of May being Tueseday and here con-
tinued vntill the 22th of the said Month, in the Yeare of the
Reaign of our Sovereign Lord & Lady King William and
Queen Mary Anno Dom: 1695

Being the Third Sessions.

Present

His Ex ^{ncy} Francis Nicholson Esq ^r Cap ^t Gen ^{ll} & ^{ca}	
Coll Henry Jowles	
The Hon ^{ble} Coll George Robotham	}
Coll Charles Hutchins	
Coll David Brown	}
John Courts Esq ^r	
Edward Randolph Esq ^r	

Produced by his Ex^{ncy} Letter from her Sacred Ma^{ty} Dated
22^d of August 1694: which being read was found to Import
her Sacred Ma^{ts} Comānds to this Governm^t for sending one
hundred & Sixty Men or other Assistance towards the
Defence of their Ma^{ts} Province of New York if required by the
Govern^r of that place; Whereupon his Ex^{ncy} did demand
whether a Supplye should be now Considered, while the
Assembly continues to prevent the charge of Calling another
Assembly, if such Assistance should be Required.

Produced afterwards Letter from their Ma^{ts} hon^{ble} Councill
of New York with Coppy of a protested Bill of Exchange
therein inclosed for 362^l. 8^s. Sterl. With charge accruing
amounting to the sume of 453^l: said to be drawn by his Ex^{ncy}
Lionell Copley Esq^r Late Govern^r of Maryland on behalfe of
this Governm^t therefore did likewise demand what Answer
should be given thereto;

Ordered that the said Two Lett^{rs} be Referred down to the
house of Burgesses for their Consideracōn, which accordingly
were sent

May 13th 1695.

Brought from the house of Burgesses by Cap^t Bayne & M^r
Sanders the following Message in Answer thereto, Viz^t

To his Ex^{cy} the Govern^r in Covncill &^{ca}

By the Burgesses of Assembly May the 13th 1695.
May it Please your Ex^{ncy}

Wee have seen her most Sacred Ma^{ts} Letter under her

Original Sign Manuall of the 22^d day of August 1694: to your Ex^{ncy}
Journal. Comāding assistance to be given by this Governm^t of men
or other Supply's for defence of New York as need shall
Require, and upon intimacōn of His Ex^{ncy} the Govern^r of that
place, to which in all loyall and humble Obedience to the
Comānds of that glorious Queen of ever blessed memory,
Wee humbly Signify to your Ex^{ncy}

1st That according to our utmost Abilities Wee shall att all
times be ready to Assist that Governm^t with such number of
Men & armes when need shall require and his Ex^{ncy} the Gov-
ern^r shall intimate the same as the strength & ability of this
Province will afford: Consideracōn being had to our Con-
tinuall Charge of Severall parties of men & horse which are
necessary and now actually in pay to Guard the ffrontiers of
this Province lying equally Exposed to the Attempts of ffor-
raign Indians with any other of their Ma^{ts} Governm^{ts} in this
Continent.

2^{dly} That as to Money according to the former Report of
this house to your Ex^{ncy} Dated the 16th of October 1694:
That wee are not of ability to Advance in that particular by
reason of the vast Charge Wee have been & still are at which
yet Lyes heavy on us & great part vndischarged.

3^{dly} That as to the Bill of Ex^{change} in the Letter of their
Ma^{ts} hono^{ble} Councill of New Yorke, this house know not any
thing of it. It appeares to be drawn by his late Ex^{ncy} Govern^r
Copley but whether for service of the Province or not is
unknown to Us, nor does any request or Consent of the Rep-
resentative Body of this Province appear for the same

This Wee humbly Represent unto your Ex^{ncy} as the sence
of this house on the premisses, praying your Ex^{ncies} and the
Councills Concurrence therewith.

Signed p Ord^r W Bladen Clk Assembly.

May the 18th 1695.

Brought from the house of Burgesses by Maj^r Whittington
& Maj^r Hamond the houses further Result touching Assist-
ance to New Yorke Viz^t

To his Ex^{ncy} the Govern^r in Councill &^{ca}

By the house of Burgesses May 18th 1695.

As to the Affaire Relating to the Assistance of New York
Wee humbly Represent unto your Ex^{ncy} that Wee have seri-
ously considered the Same and Entered these Minutes upon
our Journalls Viz^t

Resolved that assistance shall be given when need shall
require & according to our fformer Message, And because the

Countrey is at p^resent utterly destitute of Money to pay the ^{Original} Soldiers now in ^{Journal.} for the defence of this Province. M^r

Thomas Tasker one of the members of this house Offers to lend for the Service of this Countrey One or two hundred pounds Sterl: as need shall require, for the loane whereby vntill he shall be enabled to Reimburse himself out of the Countrey Treasury he is to be allowed Eight pounds p Cent And the said sume is to be called for by his Ex^{ncy} of the said M^r Tasker & applyed their Ma^{ts} Service, in such manner as to his Ex^{ncy} in his Wisdom shall seem fit.

Signed p Ord^r W Bladen Clk Assembly.

Thursday May 9th 1695.

Councill again Mett & Sate and were present as Yesterday.

Came M^r Boothby & Maj^r Smallwood from the house of Burgesses who Signified that the house had understood his Ex^{ncies} being dissatisfied with the Proceedings of Clayborn Lomax their p^rsent Clerk, therefor had by a vote of their house made Choice of M^r William Bladen to Officiate in his stead, and were sent to Request his Ex^{ncies} approbation of the said Choice, who accordingly was admitted and approved off, and (being present in Councill) had administred vnto him the Oathes appointed by act of parliam^t to be taken instead of the Oathes of Allegiance & Supremacy as also the usuall Oath of Clerk of that house and Subscribed to the Test.

Ordered that Comission be prepared to pass the Broad Seal Accordingly.

Brought from the house of Burgesses by M^r Tasker & Maj^r Maxwell the following Message Viz^t

By the Burgesses of Assembly May 9th 1695.

Whereas the sad report of the death of her sacred Ma^{ty} Queen Mary fell under the Consideracōn of this house, it does appear that his Ex^{ncy} the Govern^r and many private persons wthin this Province have Lett^{rs} expressing & affirming the same for truth, This house therefore to take of all Occasions, Scandols or Reflections w^{ch} may be cast upon the Service injoynd by the Church of England by the adversaries thereof have thought fit that her late Ma^{ts} name be omitted in publick prayers, And further it is by the house considered, that (upon so great a loss) Wee can do no less than with great grief condole the Same, therefore do humbly Request his Ex^{ncy} will be pleased to joyne wth this house in setting a part a Solemn day of humiliation for that Service.

Signed p Ord^r W Bladen Clk Assembly.

Original
Journal.

This Board does concurr with the House therein & Order that Proclamation issue under the Broad Seal to Proclame a ffast accordingly to be kept Saturday next within this place, and in the rest of the Counties the last day of May instant; being thought fit to be deferr'd so long that publick Notice may be given every where within the Province, ag^t that time His Ex^{ncy} does in particular Recommend to the Gentl. of the Councill that they put themselves in Mourning upon this so Solemn occasion, and that the same be recommended from this Board to be performed by the house of Burgesses likewise, withall signifying the ffast appointed which was done in the following Message, Viz^t

By his Ex^{ncy} the Govern^r & Councill in Assembly.

May 9th 1695.

This Board does readily concurr with the Message of your house by M^r Tasker & Maj^r Maxwell sent, touching her sacred Ma^{ts} death of Blessed memory, and pursuant thereto have appointed Saturday next to be set apart for a day of Solemn ffast & humiliation, upon the said Occasion, and that the last day of this Instant May, be strictly observed and kept within the several Counties of the Province, likewise, to which End Proclamacon is Ordered to issue accordingly.

His Ex^{ncy} in Councill is also pleased to Signify and does in particular Recommend to the house that the Severall members thereof do put themselves in Mourning for the said Solemnity.

Signed p Ord^r Hen Denton Cl Counc.

The said Message was sent to the house by the hon^{ble} Coll George Robotham and Cap^t Courts.

Fryday May 10th 1695.

Councill again mett sate & were present as before.

Produced at the Board (as by order) Proclamation touching her Sacred Ma^{ts} death, which being read was approved off, Signed by his Ex^{ncy} passed the Broad Seale of the Province; The Tenour whereof Ruñes in these Words, Viz^t

By his Ex^{ncy} A Proclamation

Whereas the sad & most deplorable News of the Death of her Sacred Ma^{ty} Queen Mary, of ever blessed memory, is lately made known in this Province as well by Letters from severall Merchants & Oth^{rs} as also by the Gazetts & Votes of Parliam^t and hitherto no Significacōn thereof hath been given

to Us from Whitehall; for want whereof noe legall alteracōn Original Journal.
 can (at present) be made in the Judiciall Proceedings of this Governm^t Nevertheless for the Ease and Satisfaction of
 persons of Tender consciences in the Church of England, to
 take of all Reflections which may be made by our Dissenters,
 and lastly to obviate all pretences of the Romanists, as if wee
 seem'd to pray for the dead, I have (by and with the advice
 of his Ma^{ty} hon^{ble} Councill & house of Burgesses Assembled)
 thought fitt to publish and proclame, and I do hereby
 publish and proclame that the Name of her Sacred
 Ma^{ty} be hereafter Omitted in all publick prayers & Ser-
 vice of the Church; & to the End the great loss of our
 pious and Glorious Queen may not be passed by, whose
 Death wee can not Sufficently condole, I do further Publish
 and Proclame that Saturday next (being the Eleaventh of this
 instant May) be set a part as a day of ffast & Solemn humiliation,
 to be strictly observed and kept by the Assembly & all others
 resideing in & about this City. And that the last day of this
 Instant May be also Observed by all persons inhabiting this
 Province, requireing the Ministers to read prayers & preach
 on that day; And I do hereby Strictly charge and Comānd
 the severall Sherriffes of this Province forthwith to make
 Proclamacōn hereof in the most publick and Convenient
 places in their Respective Counties; Whereof all persons are
 to take due Notice and Abstain from Corporall labour on that
 day: Given under the Great Seale of the Province at Ann
 Arrundell this Tenth day of May in the seaventh yeare of his
 Ma^{ty} Reign Annoq Dom. 1695.

God Save the King

ffr Nicholson

Appeared here at the Board one Patrick Duncan & John
 Selby Inhitents of South River, who informed his Ex^{ncy} &
 Councill concerning sev^rall Indians they see painted about the
 ffalls of Petuxant, at the outmost Plantacōn there, where they
 understood by the people of the house that they made great
 Complaint for want of Corn, and that some of them Reported
 there were Two hundred of them not farr off.

They are sent down to be Examined by the house of Bur-
 gesses. To w^{ch} the house Returnes the following Answer by
 M^r Boothby & M^r Lowe, Viz^t

By the House of Burgesses May 10th 1695.

Whereas this day upon the Examination of Patrick Duncan
 & John Selby Wee have informacōn concerning some Indians,
 not as yet known & discovered, this House does humbly
 Request his Ex^{ncy} the Govern^r will be pleased to Order some

Original Journal. Military Officer with such force as he shall think fit to go out in Order to make discovery of them.

Signed p Order W Bladen Clk Assembly.

Ordered thereupon that the hono^{ble} Coll Nicholas Greenberry forthwith send out a party of Men to Range about the ffalls of Petuxent River where those Indians are said to have been seen, in Order to make what discovery they can, and that they return an Acco^t of their Proceedings therein to this Board with all possible speed.

Signed p order Hen Denton Cl Concil.

Heneage Robinsons Petition about ffurrs read, was Referred down to the house of Burgesses for their consideration.

The Hono^{ble} Coll John Addison comes & takes his place.

Brought from the House of Burgesses by Cap^t Bayne & Maj^r Smallwood the following Message, Viz^t

To his Ex^{ncy} the Govern^r in Councill.

By the Burgesses of Assembly, May 10th 1695.

This House have herewith sent your Ex^{ncy} one Act of Assembly for securing Adm^{rs} & Ex^{rs} from double paying of Debts and limiting of the time for paym^t of Obligations within this Province, and one other Act of Assembly for Encouragem^t of such as shall make hemp and flax and humbly Request your Ex^{ncy} that you will be pleased to Signify unto the House what your Ex^{ncy} has to Communicate to them upon this present Sitting

Signed p Order
W Bladen Clk Assembly.

Munday May 13th 1695.

Councill again Mett and Sate & were

Present.

His Ex^{ncy} Francis Nicholson Esq^r Cap^t Gen^{ll} &^{ca}

The Hon ^{ble} {	Coll Henry Jowles	} Coll David Brown	
	Coll Nicholas Greenberry		Coll John Addison
	Coll Charles Hutchins		John Courts Esq ^r

Mr Carroll Mr Freeman & Sn^t Maries City Petitions, all Referred to the House of Burgesses for their Consideration.

Brought from the house by M^r Boothby & M^r Ennalls the following Message, Viz^t

To his Ex^{ncy} the Govern^r in Councill.

Original
Journal.

By the Burgesses of Assembly, May 13th 1695.

This House do humbly Signify vnto your Ex^{ncy} That Whereas James Welch hath barbarously Murdered his Master, for which crime he is now in the Custody of the Sherriffe of this County and lyes upon the Countyes Charge; Wee desire your Ex^{ncy} will be pleased since at present there are Severall Justices of the Provinciaall Court present now in Town to give your Speciall Comission of Oyer & Terminer to try the said James Welch. And Wee do further Signify unto your Ex^{ncy} that there are now two Prisoners under Sentence of Death in the Custody of the Sherriffe of Sn^t Maries County which lye upon great Charges to the Countrey. Wherefore Wee humbly pray your Ex^{ncy} will be pleased to proceed therein, as in your Wisdom you shall think fit, to the End the Province may be disburthen'd of so great and unnecessary charge.

Signed p Ord^r W Bladen Clk Assembly.

To which said Message the following Answer was (by Ord^r) drawn and sent to the House by the hon^{ble} Coll John Addison together with the foregoing Petitions Referred; Viz^t

By his Ex^{ncy} the Govern^r & Councill in Assembly.

May 13th 1695 :

Pursuant to the houses desire, this Board have Ordered a Speciall Comission to issue for Trying of James Welch in your Message named, & have accordingly appointed Friday next to be the day of Tryall, and as to the two Condemned Prisoners remaining in the Custody of the Sherriff of Sn^t Maries County, you make mention off; the said Sherriff hath already Obliged himself to take no ffees, but for further Satisfaccōn of the house this Board does Acquaint you that this day an Express has been sent to Require the said Sherriffes Attendance here, from whom the house may Receive a certain Account.

Signed p Order Hen Denton Cl Concil.

Upon Representacōn of the House of Burgesses Ordered that Special Comission issue out of their Ma^{ts} high Court of Chancery, for the Tryall of one James Welch now in Custody for Murdering his Master, Constituting and appointing the hon^{ble} Robert Smith Esq^r and the Rest of the Provinciaall Justices now in Town, Justices for the said End and purpose,

Original Journal. who are to meet & sit at Ann Arrundell Town in Ann Arrundell County ffryday next, for the s^d End and purpose being 17th day of May instant, in Order to the Tryall of the said Prisoner then to be brought before them.

To S^r Thomas Laurence Baronet
Secretary or to his Chief Clerk in the Office }
These.

Read the two following Bills viz^t

An Act for securing of Adm^{rs} & Ex^{rs} from double paying of Debts & Remitting the time for paym^t of obligations within this Province Read the first time and passed.

An Act for Encouragm^t of such as shall make hemp and flax, read & Referred to be discoursed off in a conference wth the House of Burgesses.

May 14th 1695.

Councill again Sate and Were

Present

His Ex^{ncy} the Govern^r & ^{ca}

The Hon ^{ble}	{	Coll Hen: Jowles	{	Coll Cha: Hutchins	}
		Coll Geo: Robotham		Coll David Brown	
		Tho Tench Esq ^r		Coll John Addison	
				John Courts Esq	

The following Proposals sent by his Ex^{ncy} to the house of Burgesses for their Consideration, Viz^t

1: His Ex^{ncy} was pleased to Signify that they had perused at the Councills Board the Bill yesterday preferred touching Ex^{rs} and Adm^{rs} and that they find no fault therewith, yet notwithstanding do Recommend that an Addition thereto be made for the selling of personall Estates of person decd (where thought convenient) by an Outcry.

2: That the Law for Christnings, Marriages and Burialls be altered Viz^t in appointing the Clerks of the Vestry instead of the County Cou^ts to keep the Register of those Matters, Obliging the Minister and Vestry to inspect the same Quarterly and that a ffyne be inflicted as well upon the Clerks as persons neglecting this duty.

3: That a Letter be writt to the Lord Bishop of London and another to the new Arch Bishop of Canterbury to desire them that in Case our Law should not be full enough in point of Religion they would be pleased to intimate what would be proper, as also about punishm^t of vice.

4: That the Weights and Measures be lookt after to be sent for, and that the Chief standard be of Brass and lodged in the Secretaries Office in Charge of the Officer haveing Custody of the Records.

5: For Regaining the Publick Credit of the Countrey, his Ex^{ncy} is pleased to propose that all publick Leavyes and ffees be made out and sent by such a certain time of the year to the Sherriffes, and that there be appointed two or three or more Substantiall persons in every County who will undertake to bring all such Tobacco's to two or three certain places in the said Counties, and they to be continued to Execute the Office of Sherriff for Six or Seaven yeares together,

6: That a Law be made to ascertain the bounds of all Lands taken up in this Province.

7: Sn^t Maries City Petition Reco^mended and Removall of this County Court from London Town to this Place as by former Message.

8: M^r Carrolls Petition Recommended, pursuant to former Message

9: Bill about Encouraging of hemp and flax, his Ex^{ncy} is the House, that it has been read, but does conceive that the of the said Law is enough to destroy it, and therefore advizes that they prepare a Law of proposalls to be laid before his Sacred Ma^{ty} to know what Rates will be given for hemp, flax, pitch, Tarr, Masts Yards &^{ca} in Order to furnish his Ma^{ts} Navall Stores.

10: That a Law be made to restrain Negro's from wandring about on Sundayes and from going a broad without a ticket or Certificate from their Masters.

11: That the Law ab^t the Militia be amended, in giving them more power.

12: His Ex^{ncy} Reco^mends that more ports be made.

13: That a Conditionall Law be made about Runaway Servants and Debt^{rs} runing out of this Province into Virg^a for taking such Runawayes up & liberty to sue &^{ca} Provided a Reciprocall Law be made for the same in Virg^a

14: That if the Govern^r of New York should send for Assistance to this Place, pursuant to her Sacred Ma^{ts} Com^{ds} to know how money should be raised, His Ex^{ncy} being pleased to propose as follows, Viz^t That the house would lay up a bank of Money in some Responsible Mans hands, and pitch upon Some discreet person, in case that there is an also late necessity to send men there; and that such person may see how the Men & Money are disposed of; and that the same are appropriated to the Uses sent for, & for the Raising Money towards defraying of such charge, his Ex^{ncy} further proposes a Duty to be laid upon Negros & Servants imported

Original so much p head, upon Wood and Earthen Ware brought
Journal. from New England or Else where, and upon Mollasses &
Sugar imported by fforraigners.

15: That some person of trust be imploy'd in the Nature of a publick Post to keep going betwixt Potomack & Philadelphia for the Carryin all Letters betwixt the said places, and that a Certain yearly Sallary be settled upon such person for the same.

16: That such horses as are allowable by the Law to be killed, be instead thereof taken up and Sold for the Use of the Poore of the Parrishes.

17: His Ex^{ncy} is in particular pleased to propose whether Corn be so scarce in the Countrey as that the same may Occasion the death of any person through want thereof.

Produced to the Board & Read Lett^r from Cap^t Daniell sent from the Commandore to his Ex^{ncy} Signifying the Comādores designe of Sayling by the last of this Instant May. His Ex^{ncy} proposes that the Gentl. of the Councill consider ag^t Tomorrow in the Evening, What answer to give to the same, Expecting by that time, the said Cap^t Daniell with Severall Masters of Shipps and Merchants.

Wednesday in the Evening May 15th 1695:

According to Order of the day, the Members of their Ma^{ts} hono^{ble} Councill the Hon^{ble} Thomas Brooke Esq^r being added.
Where was

Present

His Ex^{ncy} Francis Nicholson Esq^r Cap^t Gen^{ll} &^{ca} Rob^t Smith Esq^r Speaker of the house of Burgesses & Cap^t Josiah Daniell Commander of their Ma^{ts} hired Ship the Prince of Orange.

His Ex^{ncy} produces to the Board Severall Letters by him Received from Cap^t Crowe, the Commandore touching the ffleets Sayling, Namely, one of the first of march past with List of the Ships intended into this Province, inclosed; Signifying his haveing leave from the Lords of the Admiralty to stay in the Countrey but two months, another of the ninth of March setting forth his designe to Sayle by the ninth of May after another of the 5th of Aprill, expressing that he Understands that the Ships by that time cannot be in a readiness, therefore desires Notice may be given to the Masters to get ready to joyne the ffleet at Kiquatan by the last of May instant; All which letters his Ex^{ncy} Signified he had caused to be Coppyed out and sent to the severall Counties of the Province, in Order to be published; Produced also another

Letter of the Twenty third of Aprill and likewise one from Cap^t Daniell of the 26th after, which letter his Ex^{ncy} does say he Recd before Cap^t Crows last Lett^r came to hand: as also is pleased to Signify that according to the List of the Ships sent, they were all Arrived except John Munder, the Reynea design'd for Potomock but Returned for England, John Garthwayt taken, as p advice, James Mitchell the William and ffrancis gone for Barbados.

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Journal.

His Ex^{ncy} is pleased to propose to the Gentlemen of the Council that they would give their Sentiments touching the fleets Sayling, whether it be possible the Maj^r part of them can be ready by the last of the Month pursuant to the Comandores notice given to his Ex^{ncy} of his intent of Sayling by that time, they make Answer that if the Ma^{rs} of the Ships have any thing to say they desire they may appeare Vpon which his Ex^{ncy} gave Comand that the said Masters attending according to Order might come and Accordingly appeared severall Masters who presented the following Peticon, Viz^t

To his Ex^{ncy} the Govern^r

The humble Peticon of the Comanders of the Merchants Ships now trading and lying at Anchor in the Ports of their Ma^{ts} Province of Maryland

Humbly Sheweth unto your Ex^{ncy}

That yo^r Pet^{rs} haveing been hindered by severall Impedim^{ts} (as first the bad season for Making and Raising Tob: 2^{dly} the excess of Rain and ill weather occasioning great Trouble in rolling of the same when got ready Received, 3^{dly} the want of Sloopes) for the said and several other Reasons cannot possibly be ready to Saile for England within the time appointed by the Commandore.

Yo^r Pet^{rs} do therefore humbly pray your Ex^{ncy} that our time of stay for the dispatch of our necessary Business (for the Intrest as well of the Ma^{rs} as our Owners) may be lengthened untill the last day of June that at which time wee do all Sincerly promise to be all ready loaden or unloaden at Kiquotan to set Sayle under Convoy of Cap^t Crowe the Commandore aforesaid.

And as in duty bound shall pray &^{ca}

Hump^r Pellen
Jn^o Gallon
W^m Lurling
Tho. Emmes
Tho: Worthington
Tho. Hayes

}

Tho. Jones
Jonat Scarth
Hen. Munday
Sam^{ll} Phillips Jun^r
Daniell Watts
Barth^o Watts

}

Original
Journal.
 Robert Stephenson
 John Harris
 Daniel Bradly
 Francis Harbin
 Joseph Scotting
 Jeremiah Deable

 Francis Fisher
 Nath. Hynson
 Buskill
 Hump^t Hygginson
 Abraham Wild
 George Phillips

Afterwards his Ex^{ncy} was pleased to Order, that if there were any Ma^{rs} attending who had any thing to Object against the said Petition they would come in and give the Board to Understand what they had to say upon which appeared Severall Masters who do say that they are ready to sayle with the Com^{andore}, by the last of May, and that if they should stay till the last of June their Vessells would lay lyable to the Worm; Whereupon it was Replyed by the Other Masters that the Maj^r part of those Masters who oppose the stay of the ffeet till the Last of June, came in a long time before the Commandore, and are off and belonging to the out Ports.

Ordered to be again Read the afore mentioned Petition, the which was by Directions of his Ex^{ncy} given to the said Masters to put in Writing what Objections they had to Make against the Same who accordingly withdrew.

Then were called in what Merchants were attending severall thereupon appearing; most of which do say, that they believe the Whole body of the ffeet cannot be ready to sayle before the last of June.

His Ex^{ncy} is pleased to Represent, to the Board and the Rest of the Gentl, Ma^{rs} and Merch^{ts} present this Sentim^t & opinion and in Relation to the Tob: Trade of this Countrey (namely) that According to the Observation his Ex^{ncy} had made he finds there is commonly a month or six Weeks difference betwixt the first and Last Ships of any ffeets coming into the Capes, 2^{dly} that after they are got in, they are some times a week or a fortnight a geting to their Port and sending their goods some fifty some a hundred miles, 3^{dly} When they are got to their Port, they are vsually as long before they can fit out their sloops in Order to bring their Tobacco on Board which they fetch some ffifty some a hundred miles, and lastly when they are loaded & Cleared for Sayling they may be hindred again by Contrary Winds before they can quit the Capes.

To all which the Gentl of the Councill & others p^rsent said to their knowledge affirm that the same was True.

Proposed by his Ex^{ncy} to Cap^t Daniell if he had any thing to Offer in this Affaire signifying to him, that as he had heard the Debate of the whole matter he would be pleased to Acquaint the Com^{andore} & Lords of the Admiralty (when he

got home) with the full proceedings herein, the which the said Cap^t Daniell Promises to perform, and with all offers that if the ships could be ready to joyne the Commandore by the midle of next month, it might perhaps incline him to tarry so long; to which the masters Reply that they will have their Tobaccos all on Board by that time, but that takeing in their Water, Signing Bills of Loading and discharging themselves Cleare of the Countrey, will lengthen the time so furr, as that they cannot propose to joyne the Comāndore sooner than the last of June.

Original
Journal.

His Ex^{ncy} directs himself to m^r Speaker and proposes to him that (having heard all the debates upon the matter) he would acquaint the house therewith, and that if he had any questions to ask them, he would say it, the thing being of so considerable moment to their Ma^{ts} interest and service of the Countrey, who does say that he shall communicate the same accordingly.

His Ex^{ncy} does demand (in their Ma^{ts} name) that those Ma^{rs} who have objected against the peticon, that they declare if they know any Reason why these other Ma^{rs} cannot be ready to sayle sooner and where the impedim^t lyes, and whether there has been any Neglect by the Ma^{rs} Merchants or in the Governm^t who do say that they believe the unseasonable of the weather has been the greatest occasion, and therefore can impute no neglect to the said Ma^{rs} nor to the Governm^t His Ex^{ncy} does further (in their Ma^{ts} name) demand of the Ma^{rs} in generall what would be the best time for their Ma^{ts} Service, for the ffleets sayling from England to this Countrey—who do say that the begining of November will be the best time to Arrive here.

His Ex^{ncy} further proposes to the Ma^{rs} & Merch^{ts} in Gen^{ll} if there be any Rivers within the Capes wherein they may secure their Vessells from the worm, to which it is Answered there are.

His Ex^{ncy} further proposes if they know any way which for the future may occasion their quicker dispatch out of this Countrey who do say that if tob Hhds be all provided ready against a set time tob stript early as Seasons present and Especially if Tobacco's be brought to certain Ports or Towns, the same will be a meanes to Make the Trade quicker.

Brought in the following Petition which was Read at the Board.

To his Ex^{ncy} Francis Nicholson Esq^r their Ma^{ts} Govern^r for their Province and Territory of Maryland.

The Peticōn of Diverse Masters of Ships and Vessells trading into this their Ma^{ts} Province &^{ca}

Original Humbly Sheweth
Journal.

That whereas yo^r Pet^{rs} the Subscribers being Ma^{rs} of Ships and traders into the Province, have been here a great while ready to Sayle, and nothing Else to do but wait your Ex^{ncies} Motion & Comānd to depart this Province, and considering that they lye at a Great Cost & Charge.

Yo^r Pet^{rs} humbly pray yo^r Ex^{ncy} that they may be licensed to Saile and be dispatch'd that they may Return for England, they presuming to your Ex^{ncy} that there is a Considerable ffeet which is now ready in this Province and Virg^a to sayl, which your pet^{rs} humbly Offer to your Ex^{ncies} Consideracōn. And your Pet^{rs} as in duty bound

Shall pray,
Joshua Whiting
Law. Swarbreck
Tho: Philip
W^m Giddy
Timothy Paine
Walter Power.

Which being read his Ex^{ncy} acquainted M^r Plater that he believ'd all those Masters Signing that Peticon were in his district therefor willed him to Satisfy the said Ma^{rs} whether they were stopt or obstructed by any Embargo, who does say that he had Received no Orders for the Stopping any Ship, but contrariwise that all might cleare giveing Bond to go down to joyne the Commandore in Virginia. The Severall Ma^{rs} and others being with drawn, his Ex^{ncy} was pleased to propose to the Board what was proper to be done in this Affair.

Who do offer that the whole matter be Recommended to the house of Burgesses for them to Represent the State of the same to the Comāndore, but wth all that such Ships as are Ready now be Cleared, upon giveing bond to go down to Kiquotan to joyne the Commandore there, and that all other Ships in like manner, be cleared as they get in Readiness.

May 16th 1695.

The Clark of this Board sent to the house of Burgesses to Communicate to them what the Board had done in Relation to the ffeets Sayling, Who returns again, being given in charge by the house to Acquaint his Ex^{ncy} Hon^{rs} that they will send their Result & opinion upon the same presently.

Brought from the house of Burgesses by M^r Tasker, M^r Clarke and M^r Frisby the following Message viz^t

To his Ex^{ncy} the Govern^r in Councill &^{ca}

By the house of Burgesses May 16th 1695 :—

This house haveing heard the debate of the Councill Board

Relating to the Sailing of the Shipping now within this Province do Agree and concurr with all the reasons laid down therein and do say that they do believe that the great Rains that lately have been, have occasioned at least a Months loss of time, Secondly Wee say that it will conduce much to his Ma^{ty} Service and the Advantage of all his Subjects concern'd that the Commandore stay untill the last of June, by which time Wee reasonably conjecture all the fleet may be ready at Kiquotan to Attend & waite the Motion of the Comandore.

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Journal.

Signed p Ord^r W Bladen Clk Assembly

The hon^{ble} John Courts and James Frisby Esq^{rs} (upon some Urgent occasions calling them) crave leave of his Ex^{ncy} and the Board to Retire home which was granted them.

May 17th 1695.

Councill again Sate and were Present as before Except M^r Courts and M^r Frisby.

Presented unto his Ex^{ncy} by Severall Persons, called Quakers a Peticon by way of Address, Wherein among severall Articles therein laid down they do say that they are rendered incapable to serve the King or their Countrey being vnder Scruple of Conscience and Cannot swear so that if they see a felonious Act committed or hear any seditious Words Spoken, they cannot without great danger to themselves discover the same because they cannot give such formall Testimony as the Law requires, and so the parties Escape for want of such testimony and actions brought against them for slander or defamation perhaps for their paines: Whereupon his Ex^{ncy} demanded if they did not think they were Obliged to discover such Matters, being Made privy to them Who make Answer they do hold themselves Obliged. In another Article they say they have not afforded them the birth Right of an English Man; To which his Ex^{ncy} demands if they did not Receive in this Province Right and Priviledge equall with their Bretheren in England Who confess they do, but they Expected some other priviledges haveing been at great charge & Expences in the helping to serve this Governm^t Ordered that the s^d peticon be Referred to the consideration of the house of Burgesses and was sent down by the hon^{ble} Col John Addison & Thomas

To which the following Answer was sent. Viz^t

By the house of Burgesses May 17th 1695.

As to the first part of this Petition, Viz^t the dispensing with taking the Oathes, tis the Opinion of this house, that it is

Original
Journal. Expressly contrary to the known Laws of the Kingdom of England and therefore not soe to be dispens'd with and as to the Other part of the Peticon relating to the 40^l tob: p poll, this house will not make any distinction, but continue the Pet^{rs} under the same circumstances with all other their Ma^{ts} good Subjects of this Province, as to the paym^t thereof.
Signed p Ord^r W. Bladen Clk Assembly.

Speciall Comission for the tryall of the Murtherer produced & read, was approved off, Signed by his Ex^{ncy} & passed the Broad Seale of the Province.

Post Meridiem Esq^r Randolph aded.

Brought from the House of Burgesses by Coll Herman, Maj^r Whittington & M^r Smithson the two following Messages, Viz^t

To his Ex^{ncy} the Govern^r in Councill &^{ca}

By the Burgesses of Assembly, May 17th 1695.

This house do humbly Represent to your Ex^{ncy} that Whereas M^r Thomas Smithson was appointed by your Ex^{ncy} to be Navall Officer at the Port of Oxford to receive the Import upon Liquors imported &^{ca} Wee are informed the said Smithson is dismissed from executing the said Office, and the same totally neglected to the great damage of the whole Countrey Wherefore Wee humbly request yo^r Ex^{ncy} will be pleased to Redress the same.

Signed p Ord^r W Bladen Clk Assembly.

By the House of Burgesses May 17th 1695:

This house Recommend to his Ex^{ncy} that Maj^r John Thompson be appointed Receiver of the Impost upon Liquo^{rs} at the head of the Bay, he Liveing very convenient for the Same.

W Bladen Clk Assembly.

To the first his Ex^{ncy} directs them to acquaint the house that he is sorry there should happen any loss or Damage, but that he never gave any Ord^{rs} for dismissing the said Smithson from his said Office, and therefore Expects he render an acco^t pursuant to his comission, he haveing been sworn fully to Execute the said Trust.

the other Message his Ex^{ncy} does readily agree to.

Saturday May the 18th 1695.

Councill again Sate & were all present except

Coll Greenberry, M^r Courts & M^r Frisby.

Read the following Bills Presented from the House of Burgesses to this Board, Viz^t

An Act for setting Ann Arrundell County Court house, Original Journal.
Read and will pass with Amendm^t

An Act for Naturalization of M^r Matts Freeman & others,
Read first time and passed.

An Act for Ascertainning the ffees for Naturalization, Read
first time and will pass with Amendm^t

An Additionall Act to the Act for Probat of Wills, Read first
time & will pass with Amendm^t

An Act for the Restraining the frequent Assembling of
Negros within this Province, Read first time and passed.

An Act for securing of Adm^{rs} & Ex^{rs} from double paying
of Debts Read second time & passed.

An Additional Act to the Act for Religion read first time &
considered that it be proposed to the house that a Clause thereto
be aded for the Vestreymen, Church Wardens & Clerkes of
the parishes to take the Oathes appointed by Act of Parliam^t
to be taken instead of the Oathes of Allegiance & Supremacy
& to Subscribe to the Test, and for particular Oathes to be
framed for the said persons to take for the due performance
of their respective Duties; which was accordingly Signified to
the house, his Ex^{ncy} (at the same time) Recommended unto
them that they would Endeavour, after those Addicōns made
to get the said Law to pass under the Broad Seale of Eng-
land, being pleased to acquaint the house that he would be at
the Charge thereof for the good and benefitt of the Countrey.
Brought from the house of Burgesses by M^r Clarke, Maj^r
Ennalls Coll Hinson Coll Pierce, Cap^t Tasker & M^r Lowe the
following Message of thankses &^{ca}

To his Ex^{ncy} the Governor in Councill &^{ca}

By the house of Burgesses May 18th 1695.

This house do Returne your Ex^{ncy} their most humble &
hearty acknowledgm^{ts} for your Ex^{ncies} most kind & Generous
offer as to defraying the Charge of passing our Acts relating
to religion.

Wee are deeply sensible not only of your Gen^{ous} Offers
but Noble Acts and must ever acknowledge ourselves with
our Posterities most infinitely obliged to your Ex^{ncy}

Signed p Ord^r

W Bladen Clk Assembly.

The Hono^{ble} Coll Nich^o Greenberry comes and takes his
place at the Board sent from the house by Maj^r Whittington
Maj^r Hamond & M^r Boothby the following Bills, Viz^t

Act for Regulating Ordinaries &^{ca} Read first time and will
pass with Amendm^t

Original Journal. An Act for laying an Imposition upon Negros & Servants imported, Read first time & and will pass with amendm^t

An Act for the Raising a Supply towards the defraying the publick Charge of this Province, read first time & will pass with amendm^t

The aforegoing Bills Referred to be considered off (as to the Amendm^{ts}) in a conference with the house, And being sent to, do accordingly attend his Ex^{ncy} and their hon^{rs}

The said severall Bills being produced & perused wth amendm^{ts} propos'd were, after some debate upon the same had agreed to.

His Ex^{ncy} is pleased to Recommend to the Board that the Publick Acco^{ts} of the Revenue may be all stated & adjusted before the breaking up of the house And thereupon produced Copy of the Lords of the Treasuries Letter of the 24th of August 1694: Attested for a True Copy under a Notary publicks hand, being directed to George Plater Esq^r their Ma^{ts} Receiver &^{ca} which being Read was found to Signify that thereby he was directed to Returne over Bills for the Duties arising from the Maryland ffeet, which was in the Countrey before Govern^r Copleys death, pursuant to Order of Councill of the 26th of July last past; to which his Ex^{ncy} does say he has already given Orders to M^r Plater his Ma^{ts} Receiver Gen^l to Draw forth List of the said Shipping with the time of their going out and Coming in, together with an Acco^t of their Loading as also to set down the Exact time of the said Govern^r Copleys dying, so that the true state of that affair may be Rightly laid before his Ma^{ty}.

Munday May 20th 1695

Councill Again Sate and Were

Present

His Ex ^{ncy} Francis Nicholson Esq ^r Cap ^t Gen ^l & ^{ca}				
The hon ^{ble}	{	Coll Henry Jowles	Coll David Brown	
		Coll Nich ^l Greenberry		Thomas Brooke Esq ^r
		Thomas Tench Esq ^r		Edward Randolph Esq ^r
		Coll Charles Hutchins		

Came from the House of Burgesses M^r Cheseldyn, M^r Clarke, M^r Lingan, M^r M^r Dent & M^r Hutchinson, signifying that they were sent from the House to ask leave to see his Ex^{ncies} Mapp of this Province & take his direction for the dividing Sn^t Maries Calvert and Charles Countys; Which accordingly being produced and Laid before them; it was agreed upon that Sn^t Maries County bounds begin on the

lower side of Birds Creeke on Potomock River and so runne to the lower side of Indian Creeke on Potuxent River.

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Journal.

That Charles County Bounds begin on the Upper side of Birds Creeke and rune to the Upper side of Indian Creeke af^d New County to begin at the Upper side of Mattawoman Creeke and to Ru^{ne} to the upper side of Swansons Creeke; all the upper side of the said Creekes to be in the new County (to be called Prince Georges County.) and the lower side of the said Creekes to be in Charles County, And that the divisions be streight lines from the heads of the said Creekes, and proposed that there be a Clause in the Act for setting Sn^t Maries County Courts to be kept in Sn^t Maries City and that the State house there be for a Court house & Church, the Act to take place 23th of April next being Sn^t Georges day.

The hon^{ble} Coll George Robotham Comes and takes his place.

Brought from the house the following Message Viz^t

To his Ex^{ncy} the Govern^r and Councill &^{ca}

By the house of Burgessēs May the 20th 1695.

Wee Signify unto your Ex^{ncy} that Wee have agreed with Coll Casparus Herman and have concluded he shall build the new Court house as formerly proposed with little or no alterations, Viz^t

That Whereas the Shingles were to be upon planck they shall be upon Laths And whereas the house was to be all of Brick worke it is to be of stone up to the Water table for the Building whereof he is to have Two hundred thousand pounds of tobacco & Two hundred and ffifty pounds Sterl: to be paid thus, Viz^t one hundred thousand pounds of tobacco this Leavy, one hundred pounds this yeare, one hundred thousand pounds of tobacco the next year and one hundred and ffifty pounds Sterl. upon the finishing the worke,

Wee also have appointed Cap^t Hill, Maj^r Hamond & Coll Ridgley to be Overseers to see the Worke well done. To all which Wee desire your Ex^{ncy} and Councills consent and Approbation.

Signed p Ord^r

W Bladen Clk Assembly.

May 20th 1695.

Assented to by his Ex^{ncy} and Councill

Hen. Denton Clk Concil

To his Ex^{ncy} the Govern^r in Councill &^{ca}

By the House of Burgessēs May the 20th 1695.

This House have considered your Ex^{ncies} Proposall relating

Original
Journal to a Post or publick Messenger and have Resolved to allow unto Mr John Perry ffifty pounds sterl: p annum on condition he discharge all publick Messages and pacquets as your Ex^{ncy} shall direct, and also disburthen the Province from all charge whatsoever by meanes of any Messenger imploy'd for the Service of the same.

Signed p Ord^r
W Bladen Clk Assembly.

May 20th 1695

This Board do propose that the aboue Matter may be settled and adjusted according as it was first Offer'd to your house for which you are Referred to your Minutes.

Hen. Denton Cl Concil.

May 22th 1695.

Brought from the house of Burgesses the houses answer & proposall in relation thereto, Viz^t

To his Ex^{ncy} the Govern^r and Councill

By the House of Burgesses May 22^d 1695.

Wee do conclude that Mr John Perry do consent thereto that is to say to go Eight times p year betwixt Potomack and Philadelphia in this manner, Viz^t from such place on the North side of Potomock as your Ex^{ncy} shall appoint to such place in Petuxent as your Ex^{ncy} shall direct and so to Annapolis, from thence to Kent and so to William Stadt and from thence to Daniell Toas's and so to Adam Petersons and from thence to New Castle & so directly to Philadelphia and returne the same way back again to Potomock and at all those places receive carry bring and Leave all pacquets and letters of and for the Inhabitants of this Province, at his nearest Stages according to the Directions thereof, and take no gratuity or Reward for carrying any letters from this province to Philadelphia or bringing any from Philadelphia hither, and delivering the same according to the Directions at his nearest Stages, And if further occasion shall require shall go to New Yorke, Virginia or Else where, as his Ex^{ncy} shall direct, he shall be allowed by the Publick ffifty pound Sterl. p annum

Signed p Ord^r
W Bladen Clk Assembly.

May 22th 1695.

Assentened to by his Ex^{ncy} and Councill; and Ordered that the said Post begin his stages as follows, Viz^t To begin at

Newtons point upon Wiccocomaco River in Potomock and so to proceed on to Allens Mill from Allens Mill to Benedict Leonard Town, from Benedict Leonard Town over Petuxant River to M^r George Lingans, from M^r Lingans to M^r Larkins's and so to South River and Annapolis and from thence to go the Stages and performe the conditions aboue proposed for the consideration aforsd:

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Journal.

The said John Perry being called in, and the aboue Proposalls read unto him he consented to the same and agreed to begin his stages at Newtons Point & so forward (God willing) last Munday of June next.

Ordered that Proclamation issue accordingly to give notice to the Inhabitants of the Countrey of the Agreem^t af^d made, which pursuant thereto issued, was signed by his Ex^{ncy} and passed the Broad Seale of the Province

Read the two following Bills brought with the aforegoing Messages, Viz^t

An Act for Reviving the Temporary Laws of this Province, read first time and passed.

Act for laying the publick Leavy Read first time and passed.

The said Two Bills with M^r Gibbons Petition for allowance referred together with proposalls touching fforraigners running up and down the Province pedling in their Sloops and Shallops &^{ca} sent down to the house by M^r Tench and M^r Brookes.

The hon^{ble} Coll Nicholas Greenberry craves leave of the Board to Retire home for this night, which was granted him.

Tuesday May 21th 1695.

Covncill again Sate and were Present as Yesterday, Brought from the house the following Bills which were

Act for laying of the Publick Leavy; read 2^d time & Act for Reviving of the Temporary Laws of this Province [read] 2^d time and passed.

Act for Assessing 3^d p hogshead for this present year read first time and passed.

An Act for an Explanatory Act to the Act of repeal of Laws & confirming all Laws made this Gen^l Assembly read first time & passed.

An Act for the Division & Regulating Severall Counties within this Province and Constituting a County by the name of Prince Georges County in the same, Read first time and passed.

Brought from the house the following pap^{rs} relating to the 3^d p hh^d Viz^t By the house of Burgesses, May the 20th 1695.

Resolved by the house that the Revenue arising by the Act for Imposicōn of 3^d p hogshead for service of this Province,

Original
Journal.

being to be Lodged in Mr Thomas Taskers hands is to be disposed off by his Ex^{ncy} the Govern^r & Councill for their Ma^{ts} Service, whereof an Acco^t is to be Rendered to the next Session of Assembly.

Signed p Order W Bladen Clk Assembly.

May 21th 1695.

Assented to by this Board.

Hen Denton Clk Concil.

An Additionall Act to the Act for regulating the Militia, read and Ordered to be Drawn up, severall Remarks thereon to be sent to the House which was done as follows, Viz^t

By his Ex^{ncy} the Govern^r and Councill in Assembly.

May 21th 1695.

In the Addicōnall Act to the Act for Regulating the Militia within this Province, this Board does reco^mend that the ffoot-men have a Gun & Cutlace or a Bayonet and a Cartouch Box.

That the ffynes therein be appropriated towards buying of Drums and Trumpets &^{ca}

That the Armes and Amunicōn which belong to his Ma^{ty} be not Medled with; which amendm^{ts} being made this Board are willing to pass the said Bill.

Recommended likewise that there be a person appointed to Execute the Office of Muster Master or Agitant on each side of the Bay who shall be obliged to Muster & see Exercised the severall Troopes and Companies six times Every year besides the Gen^l Muster And that Two pounds of tob. p poll be settled upon each of the said Officers.

Sent by Coll Hutchins.

H Denton Cl Concil.

Answer thereto Sent as follows, Viz^t

By the House of Burgesses May 21th 1695.

In Answer to the Message by the Hon^{ble} Coll Charles Hutchins from yo^r Ex^{ncy} and Covncill, Wee have seriously & deliberatly consulted the same And thereupon Resolved that the poverty & low circumstances of the people of this Province renders them unable to comply either with the injunctions or Penalties in the said Messuage Proposed, And therefore Wee cannot concurr to the said Amendments

And therefore it is here resolved that the said Bill be laid by at this time, it being the sence of this house that the former law is sufficient at present till the people be more able to Comply with further Injunctions To which Wee humbly pray your Ex^{ncy} & Councils Concurrence

Signed p Ord^r W Bladen Clk Assembly.

The following Proposall sent to the house, Viz^t

That if the Publick accounts Cannot be all adjusted now, that the house appoint a Comitte for the same of some Members liveing near this place.

Brought by Cap^t Tasker & Cap^t Dent the following Bills fairly Engrossed, Viz^t

An Act for settling Ann Arrundell County Court House at Annapolis within the same County. Assented to according to Engrossm^t

An Act for securing of Adm^{rs} & Ex^{rs} from double paying of Debts & limitting of the time for paym^t of Obligations within this Province Assented to as afd.

An Addicōnall Act to the Act for the better Administracōn of Justice in Probat of Wills granting Administracōn, recovering of Legacies & securing of filiall portions, Assented to as afd.

An Act for Regulating Ordinaries and limiting the Number of them within this Province, Assented to as afd.

An Act restraining the ffrequent Assembling of Negro's within this Province Assented to as aforesaid.

An Act for the laying an Imposition upon Negro's Slaves & White Servants imported into this Province Assented to as aforesaid.

An Additionall Act to the Act for Religion the former Amendm^{ts} therein agreed to, being left out, proposed that the Minister be Exempt from any ffyne; that the Booke be found at the Parish Charge, that instead of saying the Oathes of Allegiance and Abhorrency it be said the Oathes Appointed by Act of Parliam^t to be taken instead of the Oathes of Allegiance and Supremacy, And that a Clause therein be incerted against Common Swearers and Drunkards.

Brought from the house by M^r Boothby & M^r Lowe the following Bill, Viz^t

An Addicōnall Act to the Act for Ports, read and proposed that no Accōns be brought in the said Courts exceeding the Sume of 100^l Sterling or 20000^l tob: And that no Appeal be allowed vnder the sum of 50^{ls} Sterl: and that therein it be provided that my Lord Baltimores Officers be obliged to Reside in the Ports of Annapolis and William Stadt as well as the Collectors & Navall Officers.

The said Proposals accordingly were delivered into the of this Board.

Proposed also that the Bounds of the Port of Oxford that

Original they rūne the Line by Lowe Water Mark and so conclude and
Journal. come to the first antient

Wednesday May 22th 1695.

Councill again Sate and Were present as yesterday.
Brought from the house the following Message relating to
the Addicōnall Act for Ports, Viz^t

To his Ex^{ncy} the Govern^r and Councill &^{ca}

By the house of Burgesses May 22^d 1695:

Upon Reading the Addicōnall Act to the Act for Ports & Towns, there being many things new and of great Moment to this Province, and Many of the Members of this Assembly being Absent as by the Journall appears. It is thereon Resolved that a Matter of so great Moment as the Bill contains is not fit to be compleated at this time but that the same be Referred to the Next Sessions of Assembly. And in the mean time that Copyes of the Bill be given to M^r Speaker, M^r Cheseldyn, M^r Boothby M^r Clarke Maj^r Thompson & Cap^t William Dent to Consider of the same and make Report thereof to the next Sessions of Assembly. Wee have also Received no new Bills be brought in, this Sessions.

Signed p Ord^r

W Bladen Clk Assembly.

To which said Message the following answer was sent Viz^t

By his Ex^{ncy} the Govern^r & Councill &^{ca}

May 22th 1695.

This Board has perused your houses Message touching the Additionall Act proposed to the Act for ports and do agree to the same, but withall that severall other matters be Recommended to be taken notice of & inserted in the said Bill such as this Board shall Offer.

This Board does Recōmend that the Port of Oxford be laid out pursuant to proposalls yesterday made to the house, notwithstanding the present Suspension of the aboue mentioned Bill or Act.

It is proposed to the house for their Ma^{ts} Service and good of the country what Order shall be made for those Ships sayling which shall come in or stay in the Countrey after the ffeet is gone,

Signed p Order H Denton Cl Concil.

proposall the Result of the House was as follows Viz^t Original
Journal.

By the house of Burgesses May 22^d 1695.

Opinion of the house that it will be for their Ma^{ts} Service, that the ships that stay or shall come into this Province after the present f fleet is gone May be cleared as fast as fill'd, and leave the same to his Ex^{ncies} discretion.

W Bladen Clk Assembly.

May 22th 1695.

Assented to by his Ex^{ncy} and Councill

H Denton Cl Concil,

Brought from the house of Burgesses by Maj^r Thompson and Maj^r Whittington the Additional Act to the Act for Ports & will pass upon their adding a Reserve to be made for Public Buildings, &^{ca}

Recommended by his Ex^{ncy} to the House that the Right Hon^{ble} W^m Blathwayt Esq^r be considered from this Countrey as their Ma^{ts} Auditor Gen^rall (according to the Letter his Ex^{ncy} Writt to him, And that M^r Povuy be considered as being Agent for the Countrey; his Ex^{ncy} being pleased to acquaint them, that he would advance Money for the said End and purpose, if they were in any present Want.

Answer thereto as follows, Viz^t

To his Ex^{ncy} the Govern^r and Councill.

By the House of Burgesses May 22^d 1695.

This House having well considered of your Ex^{ncies} Proposals touching the gratifying the Hon^{ble} Esq^r Blathwayt & M^r Povuy do returne your Ex^{ncy} our hearty Thanks for your Generous Offer, but find ourselves altogether incapable at this time to gratify the afd Gentl: being at present Willing to satisfy all such Obligations as this Province now lyes Under.

Signed p Order W Bladen Clk Assembly.

Brought from the house the following Papers, Viz^t

Wednesday May 15th 1695.

Resolved that M^r William ffrisby be joyned with S^r Thomas Lawrence to present our Addresses to his Ma^{ty} and Sollicit the other Business of this Province.

W Bladen Clk Assembly.

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May 22th 1695.

Assented to by his Ex^{ncy} and Councill
Hen Denton Cl Concil.

May 22^d 1695.

Resolved that Maj^r John Hammond, Maj^r Edward Dorsey
Mr. James Saunders and Cap^t Richard Hill be a Committee
to inspect the accounts of the 1^s p hogshead since the Revolution.

Resolved one brass halfe hundred Weight be sent for by
the Justices of the severall Counties, to be kept by the Clerks
of the counties only for trying the County standard by.

Resolved M^r Charles Carroll be admitted to Speake as
Councill, as to the Managem^t of my Lord Proprietaries
concerns.

W Bladen Clk Assembly.

May 22th 1695.

Agreed to by this Board. H Denton Cl Concil,

Post Meridiem.

Brought from the house of Burgesses by M^r Boothby, M^r
Smith, M^r Saunders and M^r Lowe the severall Bills (formerly
here presented) now fairly Engrossed and made up for the
Assent of this Board to the same, Signifying that they were
given in charge by the House to acquaint his Ex^{ncy} that the
Resolved to Enter upon no new Matter, therefore prayed
to be informed from his Ex^{ncy} when the house should waite
upon him to present the same for his Ex^{ncies} passing.

They are told Notice shall be given them.

The said Severall Bills being inspected & perused by their
Ma^{ts} hon^{ble} Councill were Assented to & The said Severall
Bills (as to their Titles) are as follow, Viz^t

An Additionall Act to the Act of Religion.

An Act for setling Ann Arrundell County Court at the
Port of Annapolis within the same County.

An Act for securing of Adm^{rs} and Ex^{rs} from double paying
of Debts and Limiting of the time for paym^t of Obligations
within this Province.

An Addicōnall Act to the Act for the Better Administracōn
of Justice in probat of Wills Granting of Administracōns,
Recovering of Legacies and securing of filiall portions.

An Act for the Regulating Ordinaries and limiting the
Number of them within this Province.

An Act restraining the frequent Assembling of Negro's within this Province. Original
Journal.

An Additionall Act to the Act for Ports.

An Act for the Raising a Supply toward the defraying of Publick charge of Province.

An Act for the laying an Imposition upon Negros Slaves & White [Servants] imported into this Province.

An Act for Naturalizacōn of Matthias Matthison als ffreeman & oth^rs.

An Act for ascertaining the ffees for Naturalization.

An Act for assessing of 3^d p hogshead upon Tobacco towards the defraying the Publick Charge of this Province.

An Act for the division & Regulating severall Counties within this Province and Constituteing a County by the name of Prince Georges County within the same Province.

An Act for Laying the Publick Leavy.

An Explanatory Act to the Act of Repeale of all Laws heretofore made in this Province and Confirming all Laws made this Gen^l Assembly.

An Act for reviving the Temporary Laws of this Province.

An Addicōnall Act to the Act for Regulating the Militia of this Province.

The Hon^{ble} Thomas Tench and Thomas Brooke Esq^r sent down to the House to acquaint them that his Ex^{ncy} is ready to pass the severall Engrossed Bills (this day presented at the Board) into Laws & therefore desired them to Walke up. And accordingly came M^r Speaker Attended with the Members of the house, who presenting the said Bills unto his Ex^{ncy} for his Assent, were by his Ex^{ncy} Subscribed to as follows, Viz^t

May 22th 1695.

On behalfe of their Ma^{ties} King Wiliam & Queen Mary I will
these to be Laws Fr: Nicholson.

Afterwards the same were passed vnder the Broad Seale of the Province and delivered by his Ex^{ncy} vnto the Hon^{ble} Thomas Brooke Esq^r Dep^{ty} Secretary to be lodged in the secretaries Office with Charge that the same should not be carried or Removed out of that Office.

His Ex^{ncy} acquaints the Speaker that he prorogues the House till the Tenth day of September next, but in case there should be a Necessity to call them sooner, they may expect Notice to be given them by Proclamation.

Thus Ended this Sessions of Assembly.

True Copy Ex^{ad} p

Tho. Brooke Dep^{ty} Secre.

Hen: Denton Cl Concil.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

*At a Session held at Anne Arundel Town,
May 8-22, 1695.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

FRANCIS NICHOLSON,
Governor.

THE LOWER HOUSE.

Journall of the House of Assembly.
Maryland ss :

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Journal.
p. 10

Begun and held at Ann Arundell Towne in
Ann Arundell County, on the Eighth day of May in the Sev-
enth year of the Raighn of our most Sovereign Lord and Lady
William and Mary by the Grace of God, of England, Scotland,
France and Ireland King and Queen Defenders of the ffaith
&c. Annoq Dni: 1695.

The Third Sessions,

The house of Assembly being adjourned (by order of his
Excellency Francis Nicholson Esq^r their Majesties Governor
in Chief in and over this their province and Territoryes of
of Maryland &c:) from the first day of March 1694. until the
eighth day of May next ensueing, Mett at Ann Arundell Toune
in Ann Arundell County according to the said adjournment
upon Wednesday being the Eighth day of May in the year of
our Lord 1695.

And the Honble Robert Smith Esq^r Speaker haveing taken
the Chair, Ordered the house to be called over.

Which consisted of the following Members, Viz^t

S^t Mary's City.

M^r John Watson and Cap^t Tho^s Waughop.

S^t Mary's County.

Kenelm Cheseldyn Esq
Robert Mason Esq
M^r Philip Clarke
Capt John Bayne

Calvert County.

M^r Tho^s Greenfield
M^r Francis Hutchins
M^r George Lingham
Thomas Tasker Esq.

Kent County

Coll^o Hans Hanson
Coll^o John Hinson
Maj^r Tho^s Smith
M^r W^m Frisby

Charles County

M^r Henry Hawkins
Maj^r James Smallwood
Cap^t W^m Dent
M^r W^m Hutchison

Ann Arundell County

Maj^r John Hamond
Maj^r Edw^d Dorsey
Cap^t Rich^d Hill
M^r James Saunders

Baltimore County

M^r Edw^d Boothby
M^r Francis Watkins
Maj^r Thomas Ennalls
M^r Thomas Hicks

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Talbot County

Robert Smith	}	and {	Major Thomas Smithson	}
Coll ^o Henry Coursey			Mr Nichol: Lowe	

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Somsett County	}	Dorchester County	}
Major William Whittington		Mr John Pollard	
Mr Mathew Scarborough		Mr Henry Hooper	
Mr Thomas Dickson		Major Thomas Ennalls	
Mr John Bosman		Mr Thomas Hicks	

Cecill County.

Coll ^o Casparus A: Herman	}	and {	Col ^o St Leidger Codd	}
Col ^o W ^m Peirce			Maj ^r John Thompson	

Upon calling over the house the following Members were absent (viz:) Cap^t Thomas Waughop, Mr Robert Mason, Mr Philip Clarke, Cap^t John Bayne, Mr William Frisby, Mr James Saunders, Mr W^m Hutchison, Major W^m Whittington, Mr Mathew Scarborough, Mr Thomas Dickson, all the Delegates of Dorchester County, Col^o W^m Peirce and Colonel St Leidger Codd

The house adjourned till Eight a Clock to Morrow Morning

Thursday May the 9th 1695. The house mett.

Mr Cleborne Lomax being Clarke of Charles County Court haveing other business which may hinder and impede him from attending as Clarke of this house prays the house to be dismissed from the said Place and office, and it is granted him.

Voted whether Mr Robert Goldsborough or Mr Willm Bladen be Clarke of this house. Carried by a majority of voices Mr William Bladen, Mr Edward Boothby and Major James Smalwood sent with the said Bladen to present him to his Ex^{cy} for his approbaccōn.

Who returne to the house and say they have presented him to his Ex^{cy} who approved of him and Administered to him the usuall Oaths which the said Bladen took, and subscribed to the test.

Whereupon the said Bladen is admitted Clarke of the house according to the former Vote and his oaths.

And thereupon Mr Cleborne Lomax was dismissed and departed the house.

Message to his Ex^{cy} the Governor in Councill.

By the house of Burgesses May the 9th 1695.

Whereas the sad Reporte of the Death of her Sacred

Majesty Queen Mary of blessed Memory fell under the Consideracōn of this house, It does appear that his Ex^{cy} the Governor and many private persons within this province have letters expressing and affirming the Same for truth (this house therefore to take of all occasion of scandall which may be cast upon the Service enjoined by the Church of England by the adversaries thereof, have thought fitt that her late Majestys name be omitted in publique prayers, and further, it is by this house considered that upon so great a loss we can do no less than with great grief condole the Same.

We therefore do humbly request his Ex^{cy} will be pleased to Joyne with this house in setting a part a solemn day of humiliation for that Service.

Signed p order
W Bladen Clk of Assembly.

The above message sent by M^r Thomas Tasker and Maj^r Ja^s Smallwood

The House appointed of the Committee of Agrievances,

Major Thomas Smithson	}	Leiu ^t Col ^o Hans Hansen	}
M ^r John Watson		M ^r Francis Hutchins	

M^r Robert Goldsmith, appointed clerk of this Committee.

And the Committee sent out.

Ordered by the house that Cap^t William Dent and Major John Thompson inspect and look over the last Journalls of this assembly (viz:) those of September and Feb^{ry} 1694 and make Reporte of what they find referred to this present sitting.

The house Adjournes till one of the clock in the afternoone Post Merediem. The house mett, and was called over, and were absent, Cap^t Waughop, M^r Cheseldyn, M^r Mason Cap^t Bayn, M^r Frisby, M^r Saunders, M^r Hutchison, Major Whittington, M^r Scarborough M^r Dickson, all Dorchester County Delegation, and Coll^o S^t Leidger Codd.

M^r Frisby Enters the house.

An Act for encouragement of such as shall make Hemp and Flax, being referred to this sessions was read.

Voted what encouragement shall be given for the converting Hemp and Flax into Cordage.

Carried by Majority of Voices.

An hundred pounds of Tobacco, to be allowed out of the County levy to each person converting an hundred pounds of Hemp or Flax into Cordage.

An Act secureing Adm^{rs} and Ex^{rs} from double payment of Debts and lymitting the tyme for payment of obligations

Original within this province, being referred to this sitting of Assembly,
Journal. was read the first tyme.

Upon Reading the petition of Mr John Lillingston,

Resolved that all those private acts made in Governor Notleys tyme be explained and confirmed as to naturalization &c:

Resolved that the Act for regulateing Ordinaryes and lymitting the number of them be drawn up a new with certain additions as this house shall direct

The house Adjourns till 7 a Clock to morrow morning.

Fryday May the 10th 1695,

The house mett, and ordered to be called over, were absent Mr Saunders, Cap^t Hill, Coll^o Codd, Mr Ferry, Mr Lingham Mr Hutchison, M^r Pollard, and Mr Dickson.

Then was ordered to be read over what was done Yesterday.

p. 13 After which appointed of the Committee of Accompts.

Capt Willm Whittington	}	Mr George Lingham	}
Mr Robert Mason		Mr Francis Watkins	
Major Thomas Smith		Mr Thomas Greenfield	

Mr Cleborne Lomax chosen clerke of this Committee.
Appointed of the Committee of Lawes.

Capt. William Dent	}	Major John Thompson
Mr Edw ^d Boothby		Cap ^t Rich ^d Hill
Mr Nicholas Lowe		Mr Mathew Scarborough

Mr Christopher chosen clerke of this committee.

Mr Willm Cooper chosen clerke Assistant.

Message from his Ex^{cy} the Gov^r in Councill, by the honble Col^o Charles Hutchins, Colonel George Robotham and Cap^t Jn^o Courts.

By his Ex^{cy} the Governor and Councill in Assembly May the 9th 1695. This Board does readily concurr with the message of your house by Mr Tasker and Major Maxwell touching her Sacred Majestys decease of ever blessed memory, and pursuant thereto have appointed Saturday next to be observed and kept as a Day of Solemn Fast and Humiliation by the Generall Assembly and all others resideing in and about this city upon the said occassion, and by all others inhabiting and resideing within the se^rall countyes of this province, on the last day of May instant, to which end proclamation is ordered to be issued accordingly.

His Ex^{cy} in Councill is also pleased to Signifye and does ^{Original} in particular recomēd, that as well the severall members of ^{Journal.} the house of Burgess, as of this Board, as likewise all officers and persons of fashion doe put themselves in mourning for the said Solemnity and yeare ensueing.

Signed p order
Hen: Denton Clk: Councill.

The house adjournes for an houre.

The house again mett and ordered to be called over.

Were absent, Cap^t Waughop, M^r Saunders, M^r Hutchinson, M^r Ferry, M^r Dickson, M^r Pollard and Coll^o Codd.

Cap^t William Dent and Major Thompson bring in their Reporte as followeth. To the Honble the Speaker, and the Burgesses of the house of Assembly.

In obedience to your comand we have inspected the Journalls of the assembly, held in September and Feb^y 1694 in 6th and 7th years of their Matys Raign.

And thereupon we Reporte as followeth.

That a Report was made by the committee of priviledges at the assembly at S^t Marys 1694, that the method for Settling Glebes and Chappells of each parish mentioned in the 12th folio of the said Journall was referred to the next Sessions of Assembly.

That a conditionall Law be proposed about prosecuting ^{p. 14} Runaway Servants and Debtors, runing out of Virginia into this province, and out of this province into Virginia, in case a Law of the same nature be consented to by the Governor of Virginia, to be passed there likewise, mentioned in the 30th folio of the said Journall was referred also.

That the ascertyning the bounds of each Mans lands for the prevention of law suites, mentioned in the 38th folio of the s^d Journall was referred to the next sessions of Assembly.

That an equall number of Itenerant Justices of the provinciall Court be appointed on each syde the Bay to ride the circutes as the Judges in England, and to hold their courts on the Eastern and Western shore, and clerkes appointed to attend them, and to transmitt their Records to the provinciall office, mentioned in the 40th folio of the said Journall, was referred to next sessions of Assembly.

The appointing of a Muster Ma^r on each syde the Bay with the settling their ffees, mentioned in the 42^d folio of the said Journall was referred

Colonel Hamiltons Lre together with her Sacred Majesty the Queens Lre in favor thereof Esq^r Neals patent for post

Original Journal. Ma^r Generall of America and the af^{sd} Hamiltons Deputacōn from the said Esq. Neale mencōned in the 49th folio of the said Journall, was referred to the next sessions of Assembly.

The petition of M^r Henry Denton Clarke of the Councill about the Settling of his fees according to a former Order of Councill, was referred, folio 71.

The petition of M^r Lillingston mentioned folio 72. was referred afs^d

A Bill for the Encouragement of such as make hemp and flax mentioned folio 72. was referred as aforesaid.

The Settlement of the Keeper of the Great Seale's fees, referred folio 72.

The order of Councill for Roger Sherman his goeing to New Yorke referred folio 75. Afterwards appears folio 80, that the said Roger was allowed for his said Journey the sume of 5000^{ls} of Tobacco.

The Law concerning Townes, and the Law concerning Money, was referred folio 75.

The alteration in the Bill concerning ffurrs, was referred folio 75.

The proposall of the Governor and Councill for maintenance of a Sufragan Bishop and inviteing him over, referred folio 81. as af^d

The 40^{ls} of Tob^o p poll not formerly collected in Ann Arundell County to be applyed to the building of a Church in Ann Arundell Town. referred folio 83.

Upon mocōn of M^{rs} Elizabeth Blackston, to the house concerning allowance for her husbands attendance as a Councillor and Justice of the Provinciaall Court, was referred folio 84 as aforesaid.

p. 15 Ordered M^r Bladen to draw a Copy of the Lawes to send for England and that the said Bladen be allowed 1600^{ls} Tob^o folio 86:

Att an Assembly begun and held at Ann Arundell Towne in Ann Arundell County, the last day of Feb^y in the 7th year of their Mat^{ys} Raign, Annoq Dñi, 1694.

It was moved by the members of this house on behalfe of the Towne of Oxford that William Stephens did give fifteen Acres of land to the use of the said Town which was confirmed by one Roe, but his Deeds appearing to be somewhat imperfect, prays the consideracōn of this house that the towne may have the benefitt intended them.

Ordered that Nicholas Lowe and all other persons concerned therein have notice to appear at the next sessions of

Assembly, that upon full and fair hearing of the said matter the house may proceed to do what to Justice appertains. Original
Journal.

Signed p Order of the persons appointed
Christopher Gregory, Clarke.

May the 10th 1695.

The house Adjourns till 2 of the clock in the afternoon.

Post meridiem. The house again mett and ordered to be called over, were absent, M^r Saunders, M^r Hutchison, M^r Ferry, M^r Dickson M^r Peirce, M^r Pollard and Coll^o Codd.

The following message sent to his Ex^{cy} the Governor in Councill.

By the house of Burgesses May the 10th 1695.

This house have herewith sent your Ex^{cy} One^{*} Act of Assembly for Securing Adm^{rs} and Exors from double payment of Debts and lymitting the tyme for payment of obligations within this province, And the other Act of Assembly for Encouragement of such as shall make hemp and flax, and humbly request your Excellency that you will be pleased to Signifie to the house what your Ex^{cy} has to communicate to them upon this present sessions.

Signed p order,
W Bladen Clerke of Assembly.

Sent by Cap^t Bayne and Major Smalwood.

Cap^t Bayne and Major Smallwood return and say they have delivered their Message.

The house Adjournes till 7 o Clock on Munday Morning

Munday May the 18th 1695.

The house Being mett was ordered to be called over and these members were absent, M^r Hutchison, M^r Pollard, Col^o Coursey and Col^o Codd

Then ordered to be read over what was done on Friday last.

Voted in the house ann additionall Law be made to the Act of Religion and a Clause therein incerted to enable the severall and respective Vestrys to sue for Donations and Guifts to pious uses at present perverted.

Voted if our Explanatory Law shall be made to the Act of Religion, and carried in the negative. p. 16

The conditionall Law for prosecuting Runaway Servants and Debtors from Virginia &c: Referred to the next Sessions of Assembly.

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Resolved an additionall Bill be drawn to the Act appointing Ports and Towns. Upon reading the petition of M^r Hennage Robinson and Comp^{ny} Merch^s in London, relateing to the Imposition on furs

Voted Whether the clause in the Law relateing to the imposition of a Duty upon furs be repealed or not.

Carryed in the negative.

The Law concerning Towns being referred to this Assembly,

Resolved two ports be made, in Puttuxant River one, and the other in Potomac River for the better accomodation of those two Rivers. Moved in the House that a port be constituted in Somerset County where Shipp tradeing thither may enter and clear. And assented to Nemine Contradicente.

Voteed Whether Bougues Bay or S^t Leonards Creek be the port for Puttuxent. Carryed by Majority of voices, Bougues Bay.

Voted whether Newtons point in potomack or Charles Towne be the port for potomack river. Carryed by majority of voices Newtons Point.

Resolved that M^r Arnold Elseys Land where the Towne formerly was in Monnochin River, be the town and Port for Somerset County.

The Law about money referred to the next Assembly.

Resolved that the 40^{ls} of tob^o p poll not collected in Ann Arundell County in the year 1693, be applyed to the Building a church in Ann Arundell Towne.

Ordered Cap^t Hill and Cap^t Bayne wayte upon M^r Perigrine Coney and returne him the thanks of the house for his faste Sermon.

Upon reading her Sacred Matys^s Lre: relateing to New Yorke; sent To his Ex^{cy} the Governor in Councill &c: the following Message.

By the Burgesses of Assembly May the 13th 1695.

We have seen her most Sacred Matys^s Lre: under her Sign Manuall of the 22nd day of Aug^t 1694 to your Ex^{cy} comanding Assistance to be given by this Government of Men and other Supplyes for the defence of New Yorke as need shall require, and upon Intimacōn of his Ex^{cy} the Governor of that place, to which in all loyallty and humble obedience to the commands of that Glorious Queen of ever blessed Memory We humbly Signifye to your Ex^{cy} first. That according to our utmost abilities we shall at all tymes be ready to assist that Government with such number of men and armes when need shall

p. 17 require, and his Ex^{cy} the Governor shall intimate the same, as

the Strength and ability of this province will afford Consider-
acōn being had to our continuall charge of Severall partys of
men and horse which are necessary and now actually in pay
to guard the frontiers of this Province lying equally exposed
to the Attempts of forraign Indians with all other his Mat^{ys}
Governments on the continent.

Original
Journal.

2^{ndly} That as to Money according to the former Reporte of
this house to your Ex^{cy} dated the 16^t day of Octob: 1694. That
we are not of Ability to advance in this particular by reason
of the vast charge we have been and still are at, which yett
lye heavy on us and great part undischarged

3^{rdly} That as to the Bill of Exchange in the Letter of their
Mat^{ys} Honble Councill of New Yorke this house know not
any thing of it.

It appears to be drawn by his late Ex^{cy} Governor Copley,
but whether for the Service of this province or not, is
unknown to us, nor does any request or consent of the
rep^sentative Body of this province appear for the same.

This we humbly rep^sent to your Ex^{cy} as the sense of this
house on the p^misses praying your Ex^{cy} and Councils Con-
currence herewith.

Signed p order
W Bladen Clk: Assembly.

Sent by Cap^t Bayn and M^r Saunders
The house is Adjourned till two of the Clock.

Post Meridiem. The house mett and being ordered to be
called over, were absent M^r Hutchison, M^r Boothby, Colonel
Coursey M^r Pollard and Col^o Codd.

M^r Thomas Ennalls added to the Committee of Agriev-
ances.

M^r Speaker Signifies to the house that his Ex^{cy} recomends
a court of Justice to be erected in each Port and Towne for
the dispatch of Trade. The house thinke fitt to referr the
same to the next Assembly, and the house adjourned untill
to morrow morning at 7 of the Clock.

Tuesday May the 14th 1695.

The house mett and ordered to be called over were
absent, Colonel Coursey, M^r Pollard and Colonel Codd.

Moved in the house that the vote concerning Potomack
River be reassumed, since severall members were yesterday
absent when the said vote passed.

Voted if to be reassumed or not, and carryed in the Affirm-
ative.

Original
Journal.

Voted whether a new port shall be constituted in Potomack River or not. Carried in the negative.

Moved that yesterdays votes concerning the ports in Puttuxent and Monochin Rivers be reassumed.

Voted whether they shall be reassumed or not, and carried in the affirmative.

p. 18

Voted whether a Bill shall be drawn to make ports in Puttuxent and Monochin Rivers, Carried in the Negative.

Mr Speaker orders all Committees to attend in the afternoon, and Adjournes the house till two of the Clock.

Post Meridiem. The house again mett, and the following proposalls from his Ex^{ty} the Governor in Councill are laid before them (Viz^t)

First. That in the additionall Act for secureing Orphans Estates a clause be added that the personall Estate be sold by out crye

Whereupon Voted in the house if such clause shall be added and carryed in the negative.

2^d That a clause be incerted in the additionall Act to Religion, that the Clarke of the Vestry shall Register all births, Marriages, and Burialls, and the names of all Servants comeing into this province, and the names of the places from whence they come, for which Registering the clerke to have six pounds of Tobacco p name.

Voted Whether the Clarke of the County or clarke of the vestry shall keep such Register, and carryed by majority of voices that the clarke of the vestry shall keep the same.

3^{rdly} Proposed that a Brass Standard of Weights and good measures be sent for out of England, to be kept in the Secretaryes office by which the severall county Standards in this province upon all ocasions may be tried.

Upon which Debated in the house if it will not be more convenient that the Com^r of the Severall Countys send for one brass halfe hundred weight to be kept as af^d to the End af^d by the clarkes of the respective county's.

And thereupon Resolved that the Com^r of the Severall Countys send for such an halfe hundred weight to be kept as af^d to the end af^d

4^{thly} Proposed that some method be prescribed, for redressing of the under valuemment of the publike faith.

Whereas. It is the sense of the house that the Severall Sheriffes in this province, are within the provision of the Act for the relief of Debtors.

5^{thly} Proposed that a Division be made of St Marys, Charles and Calvert Countyes.

Voted if such division shall be made, and Carried in the negative. Original Journal.

The house Adjournes till to morrow morning at 7 of the Clock.

Wednesday May the 15th 1695,

The house mett and ordered to be called over, were absent, Mr Mason, Cap^t Bayne, Cap^t Hill, Mr Saunders, Mr Greenfield Mr Boothby, Colonel Coursey Mr Pollard, and Colonel Codd.

Then was ordered to be read over what was done yesterday.

And the house proceeded to the further consideracōn of the Proposalls yesterday layd before them, and as to the 6th proposall, (Viz^t) p. 19

6th That the County Courts for the future be kept at Ann Arundell Town for Ann Arundell County.

Resolved a Bill be drawn for the same.

7th That an address be drawn and sent to the Lords of the Committee of Trade and plantations acquainting them that we can supply his Majestys Navy with Severall Navall Stores, Viz^t

Pitch, Tarr, Match Yards Hemp and Cordage upon twelve months notice, and desireing they would propose to us what Quantitys and what method of payment for the same.

8th Proposed that some means be used that we may give assistance to New Yorke according to her Sacred Majesty of ever blessed memory's Lre:

Whereupon Resolved that assistance of men shall be given when need shall require &c:

And because the Country is already destitute of money to pay the Soldiers now in Arms for the Defence of this province, The Honble Thomas Tasker Esq. one of the members of this house offers to lend for the Service of the Country two hundred pounds Sterling if need shall require for the loan thereof untill he shall be enabled to reimburse himself out of the Country Treasury, he is to be allowed eight pounds p cent for the use of the Same, and the said Sume is to be called for by his Ex^{cy} of the said Tasker, and applied to their Mat^{ys} Service in such manner as to his Ex^{cy} in his wisdom shall seem fitt.

9th Proposed that for raiseing a further Supply for the Service of the Country there be layd an Imposition upon negroes and Servants imported.

Resolved that an Imposition be layd upon negroes and Servants imported. An Additionall Act to the Act for better administracōn of Justice in probate of Wills and granting administracōns &c:

Original
Journal.

Read the first time.

Voted what shall be the Imposition upon negroes & carryed by majority of voices ten shillings p poll.

Resolved Nemine Contradicente that an Impost be layd on White Servants imported of 2^s 6^d p poll, and that a bill be brough in for the same.

Resolved that an address be drawn to his Maty: condoleing the Loss of her Maty of ever blessed memory.

Resolved his Maty be addressed representing how incapable we are of giveing assistance to New Yorke and our desire to be discharged from her Matys: comands therein, and that M^r Will^m Frisby be Joyned with the honble S^r Thomas Laurence Barr^t their Matys Secretary of this province to present our address to his Majesty &c: And also to sollicit the

p. 20 other business of this province.

Resolved that Letters be writt to his Grace my Lord Arch Bishop of Canterbury and my Lord of London desireing them to inspect into our Acts of Religion and Sollicit the passing thereof.

Upon Reading the petition of M^r Charles Carroll, Resolved he be admitted to Speake as Councill as to the Management of my Lord Proprietarys Law concerns.

The house Adjourns till to morrow morning 7 a Clock.

Thursday May the 16th 1695.

The house being mett was ordered to be called over, and the following members were absent, (Viz^t) Cap^t Bayne Cap^t Hill M^r Hawkins, M^r Hutchinson, M^r Pollard and Col^o Codd.

An Act for the Naturallization of Matt^s Freeman and others. Read the first tyme.

M^r Denton Clarke of the Council came to this house from his Ex^{cy} the Governour in Councill, and read to this house the consideracōns of that Board Relateing to the sayling of the Shipping now in the Country, and Signified that his Ex^{cy} do agree in the opinion of the house thereupon:

Whereupon Resolved that the following Message be sent to his Ex^{cy} and the Honble: their Maty^s Councill.

By the House of Burgesses May the 16th 1695.

This house haveing heard the Debate of the Councill board, Relateing to the Sayling of the Shipping now within this province do agree and concurr with the reasons layd Downe therein, and do say that the great Rains that have lately been have occasioned at least months loss of tyme.

Secondly. That it will conduce much to his Maty^s Service,

and the advantage of all his Subjects concerned that the comodore stay untill the last of June by which tyme We may reasonably conjecture all the fleet may be ready at Kiquotan to attend and wayt the mocōn of the Comodore.

Original
Journal.

Signed p Order

W Bladen Clk: Assembly.

Sent upon this Message M^r Tasker, M^r Clarke and M^r Frisby. Major Smithson presents from the Committee of Agrievances the following Report (Viz^t)

By the Committee of Grievances mett May the 15th 1695. And humbly presented to the house of Assembly that considering how thinly this province is peopled, and to give encouragement to Strangers and aliens to come into this province and seat themselves here, that the house would be pleased to consider whether it would not be necessary and expedient for the publique good and wellfare of this province that an Act of Assembly be made to ascertain and explain what fees, grauitys or rewards shall be paid by every alien that shall hereafter be naturalized to such officers or ministers who do clayme any fees therefore, and that when any person is naturalized with his children that no more fees may be paid then for one person onely. p. 21

It is also humbly offered to the house of Assembly by this Comitteee that the Severall Tanners and Shoemakers within this province who do Tann Hydes into Leather and make that up into Shoes, do not make the said Leather good and Servisable, therefore this Comitteee doe humbly present to the house of Assembly, that it would be to the great Service of this province, to enjoyne on the Severall Tanners and Shoemakers, who do Tann Hides into Leather and then worke that leather up into Shoes, by an Act of Assembly to that end to be made that they do make, good, Servisable and Substantiall Leather, and that six knowing persons in each respective County be appointed as Searchers to Search and view all Hides tanned into Leather and in case the same be well and sufficiently Tanned, then to Seale the Same with a Seale to that purpose to be appointed, and in case they find the said leather not well and sufficiently tanned, so that the same may not be Searvisable and fitt to be made up into hides that a penalty may be inflicted on such tanners or Shoemakers.

It is also humbly presented to the consideration of the house of Assembly by this Committee that whereas by the Laws of this province, It is provided that the Comissary or Judge in Testamentary causes and for granting adm^racōn &c: upon the

Original
Journal.

Ex^r or Adm^r his making up of his accompt of his adm^racōn shall transmitt a certificate of the cleare estate in the hands of such Adm^r or Ex^r to the Justices of the County Courts that they may secure the same for the Orphans of the deceased testate or intestate persons by takeing good Security therefore, which the severall Justices cannot nor do not do because that practise hath been neglected by those whose Duty twas to transmitt the said acc^t of the deceaseds clear Estate.

Signed p order Com:
Robert Goldsborough Clk:

Upon Reading the Representation of the Committee of agrievances relateing to the fees due from persons naturalized.

Resolved that a Bill be drawn accordingly for the same.

Upon the representation of Colonel Henry Darnall Agent for the R^t Honble the Lord Proprietary of Baltemore Lord Proprietary of this Province on behalfe of the said Lord Baltemore, that whereas their Maty^s Soll^r Gen^{ll} S^r Thomas Laurence upon a Refference made to him by their Maty^s concerning severall Rights claymed by the said Lord Baltimore p. 22 in this province, amongst other things made his Reporte in Relacōn to wild horses and wild Cattle, that they were ferae nature, concluding that they were wild by nature, and in being, before his Lordships Charter.

This house do say that M^r Sollicitor was not well informed in relation thereto, for that there were no horses, Beeves or hoggs in this Country before seated by the present Inhabitants thereof, the Same being imported, and that they do conceive they are in the nature of Waifes and Strayes.

The house is adjourned untill 7 of the clock to morrow morning.

Fryday May the 17th 1695.

The house mett and ordered to be called over, were absent Cap^t Waughop, Cap^t Bayne, Cap^t Hill M^r Hawkins, M^r Boothby, Col^o Coursey, M^r Pollard and Colonel Codd.

An Act for Naturallation fees, read the first tyme.

An Act for Settling Ann Arundell County Court att Ann Arundell Towne, read the first tyme.

Recomended from his Ex^{cy} an Act for restrayning the frequent assembling of negroes within this province, and read the first time.

An additionall Act to the Act of Religion, read the first time.

These four last mencōned Bills sent to their Matys^s honble Councill by Cap^t Whittington and Major Hammond. Original Journal.

Mr Speaker moves the house that his Ex^{cy} recommends to them the Settling of publique Ferry's. Referred to the next Assembly.

Upon Reading the Committee of Agreivances Reporte relateing to Shoemakers and Tanners the same is Referred to the next Assembly.

Major John Thompson recomended by the house to receive the Impost upon Liquors at the head of the Bay.

The petition of the people called Quakers, being rec^d from his Ex^{cy} and the honble his Matys Councill to this house

'Tis the opinion of the house, that as to the first part thereof viz: dispensing with their corporeall Oaths, 'tis expressly contrary to the known Laws of the Kingdom of England and therefore not fitt to be dispensed with. And as to the second part of the petition relateing to the 40^{ls} p poll this house will not make any distinction but continue them under the same Circumstances with all other their Matys good Subjects as to the payment thereof.

The house Adjournes till 6 of the clock in the Afternoone.

Post meridiem. The house being mett, ordered to be called over, were absent Cap^t Bayne, Mr Hawkins, Mr Dent, Mr Pollard and Colonel Codd.

Mr Boothby presents a Bill for raiseing a Tax upon all offices within this Province.

Voted, if the Bill shall pass with amendments, or not, and p 23 Carried in the affirmative, and the same was read the first time.

An Additionall Act for regulateing the Militia read the first time.

An Act for regulateing Ordinarys and lymitting the number of them, read the first time.

The house Adjournes till to morrow morning at 6 a Clock.

Saturday May the 18th 1695.

The house being mett Ordered to be called over, and were absent these Members (viz^t) Mr Saunders, Mr Greenfield, Mr Hawkins, Mr Hutchison, Mr Watkins, Colonel Coursey, Mr Pollard & Col^o Codd.

Act for regulateing Ordinarys read the second time.

Act for Laying an Imposition on Negroes and Servants imported, read the second time.

His Ex^{cy} haveing generously offered to get our Acts of

Original Religion passed at his owne proper cost and charges. The
Journal. house sent him the foll^g message.

By the House of Burgesses May the 18th 1695.

This house do returne your Ex^{cy} their most humble and hearty acknowledgements for your Ex^{cys} most kind and generous offer as to defraying the charge of passing our Acts of Religion.

We are deeply Sensible not onely of your generous offers, but truly noble acts, and must here acknowledge our Selves with our posterity most infinitely obliged to your Ex^{cy} for the same.

Signed p Order
W Bladen clk: Assembly.

Sent upon this Message, M^r Clarke, Major Ennalls, Col: Hinson, Col: Pierce, M^r Tasker and M^r Lowe.

Also sent to their Honble their Matys Councill the following Bills, Viz:

An Act for Regulateing Ordinarys and Lymitting the number of them.

An Act imposing a Duty upon Negroes and Servants imported

An Act for the raiseing a further Supply for the Support of this province.

The house thinke fitt to acquaint his Ex^{cy} what they have resolved in Relation to New Yorke and thereupon send the following Message.

To his Ex^{cy} the Governor in Councill.

By the house of Burgesses May the 18th 1695.

As to the affair relateing to the assistance of New Yorke, We humbly represent to your Ex^{cy} that we have seriously considered the Same, and entered these minutes upon our Journall, Viz:

Resolved that assistance of men shall be given when need shall require &c: according to our former Message; And because that the country is now destitute of money to pay the Soldiers now in arms for the Defence of this province. M^r Thomas Tasker one of the members of this house offers to
p. 24 lend for the Service of the Country one or two hundred pounds Sterling as need shall require, for the loan whereof untill he shall be enabled to reimburse himself out of the

Country Treasury. He is to be allowed eight pounds p cent. ^{Original}
And the said Sume is to be Called for by his Ex^{cy} of the said ^{Journal.}
M^r Tasker and applyd to their Matys Service in such manner
as to his Ex^{cy} in his Wisdom shall seem fitt.

Signed p Order
W: Bladen Clk: Assembly

Sent by Major Whittington and Major Hammond.

The house adjournes for an hour, and goe upon a Conference with his Ex^{cy} the Governor and Councill, Where his Ex^{cy} recommends Severall things to their Consideracōn, and delivers unto M^r Speaker Severall Bills sent by the house to that Board, and also certain proposalls of which he desires they will consider.

Thereupon M^r Speaker and the rest of the members repaire to the house where being called.

Ordered that the Clarke read the following proposalls from his Ex^{cy} the Governor and Councill Viz.

That there be a Clause added in the Act for Settling Ann Arundell County Court, nominating Ann Arundell Towne by the name of Annapolis, and that the Parish church be therein built and the County records removed thither.

Resolved by the house such clause shall be incerted.

And the Bill with the amendm^{ts} is read the second tyme.

That a Clause be added in the additionall Act for the better adm^racōn of Justice for probate of Wills and granting adm^rcōns that when any deceased Estates are appraised two of the principall Cred^{ts} or two of the next of kindred may be present, and upon their refusall two other honest persons.

Resolved the Same be incerted, And the Bill with the amendm^{ts} is read the 2^d tyme.

That in the additionall act to the Act of Religion a Clause be inserted, that the Vestrymen, church Wardens and Clarkes take the Oaths appointed by Act of Parliament, and Subscribe the test. And that particular Oaths be framed for them to take for performance of their Dutys.

Resolved such Clause be incerted.

And the Bill with amendm^{ts} proposed, was read the second tyme. And in the Act for regulateing Ordinary Keepers &: It be incerted that they shall not credit any single freeman not being a freeholder, or any Seaman for above 400^{ls} of Tobacco, or 20[£] Sterl:

Ordered such clause be incerted.

The af^d Bill with amendm^t proposed is read over the third tyme.

That if money should be sent to New Yorke the house p. 25

Original Journal. would appoint some body to go along therewith and se the same disposed of.

Resolved by the house that M^r Thomas Tasker is thereunto appointed.

That the house address his Maty. that the Q^r parte of publique Revenue may be appropriated to the necessary charges of this Governm^t

Resolved that such Address be prepared.

That the house will again consider about the Division of S^t Maryes Charles and Calvert Countyes.

Voted if S^t Mary's, Charles and Calvert Countys shall be divided, or not. Carried by Majority of Voices, they shall be divided.

The petition of S^t Marys City, read and granted.

M^r Chesseldyn, M^r Clarke, M^r Lingham, M^r Greenfield, Cap^t Dent and M^r Hutchison appointed to make division of the said Countys and to take his Ex^{cys} Directions therein.

Recomended from his Ex^{cys} that a publique post be employed betwixt potomack and Philadelphia for the Dispatch of Publique as well as also of Private packetts and Letters.

Whereupon ordered M^r John Perry attend the house next Munday Morning.

An Act for laying the publique Levy, read the first tyme.

An Act for reviving the Temporary Laws of this province read the first tyme.

An Act for Naturallization fees, read the second tyme.

An Act for the Naturallization of Matts Freeman and others, read the 2^d tyme.

Upon Mocōn of Kenelm Cheseldyn Esq^r

Ordered by the house that the Records of the Comissary Gen^{ls} office be lodged above Stairs in that End of the Court house at Ann Arundell County Towne which is over the Seat of Judicature.

An Act for Settling Ann Arundell County Court house, read the 2^d tyme.

An additionall Act to the Act of Religion, read the third tyme.

An Act for raising a supply towards the defraying of the publique Charge of this province, read the third tyme.

An Act for the naturallization Matt. Freeman and others read the 3^d tyme

An Act for secureing Exo^{rs} and Am^{rs} from double payment of Debts. Read the third tyme.

An Act ascertaining the naturallization fees, read the third tyme, and The house Adjourned till Munday Morning at 6 a Clock.

Munday May the 20th 1695.

Original
Journal.

The house mett, and ordered to be called over, and were absent Cap^t Bayne, M^r Hill, M^r Hawkins, M^r Dent, Coll^o Coursey Major Whittington M^r Scarborough M^r Pollard and Col. Codd.

Then M^r Cheseldyn and the rest of the members appointed for dividing the Countys, Reported that they had with his Excell^{cy}s approbacoⁿ made Division thereof, and Signified the same to the Committee of Laws to prepare the Bill accordingly. p. 26

Then was Ordered to be read over what was done yesterday.

Recomended from his Ex^{cy} that an additional Duty of 3^d p hh^d be laid on Tobacco for raiseing a further supply for the Support of this Province.

Voted if a further Imposition of 3^d p hh^d shall be layd upon tobacco, exported for one year: Carryed in the affirmative.

Ordered that the Committee of Laws prepare a Bill therefore.

M^r John Perry appears in the house and being asked what he demanded for officiateing as Post Ma^r eight tymes p An^r betwixt Potomack River and Philadelphia, he offers to undertake the same for 50^{ls} Sterl: p ann:

Then the house proceeded to agree with Colonel Casparus A: Herman for building the new Court house as followeth.

That he shall build the same as it was first proposed with these alteracōns onely, that whereas it was to be shingled upon planke. It shall be shingled upon Laths, and whereas the foundation was to be made of brick, it shall be of Stone up to the Water Tables, for which he shall have 200000^{ls} of Tobacco and 250^{ls} Sterling, to wit: 100000^{ls} of Tobacco this Levy, and 100000^{ls} of Toba^c the next year, 100^{ls} Sterl: this year and 100^{ls} Sterl: the next year upon finishing thereof.

To all which the said Col^o Herman agreed and undertook to do the same.

Ordered That Major Hamond, Major Ridgely, and Cap^t Hill be appointed to oversee that the said worke be well done.

Resolved that M^r John Perry be allowed 50^{ls} Sterl. p Ann upon Condition he shall discharge all publique Messages and pacquetts as his Ex^{cy} shall direct, and also discharge this province from any expence whatever by reason of any messengers to be employed for the countrys Service.

The house Adjournes till two of the Clock this afternoone.

Post Meridiem. The house again mett, and ordered to be called over, were absent Cap^t Bayne, M^r Saunders, M^r Haw-

Original Journal. kins, Mr Hutchison, Colonel Coursey, Maj^r Whittington, Mr John Pollard, Col^o Peirce and Col^o Codd.

An Act for assessing 3^d p hhd for this present year, read the first tyme.

An Additionall Act to the Act for regulateing the Militia, read the third tyme.

An Explanatory Act to the Act of Repeal of all Lawes &c: read the 2^d tyme.

Resolved by the house that the Revenue ariseing by the act for Imposition of 3^d p hh^d for Service of this province, p. 27 being to be lodged in Mr Taskers hands is to be disposed of by his Ex^{cy} the Governor and Councill for their Mat^{ys} Service, whereof an Acc^t is to be rendered to the next sitting of Assembly.

Mr Lowe and Mr Boothby sent to his Ex^{cy} and their Matys hon^{ble} Councill with the above resolve and the three last mentioned Bills.

An Act for reviveing the Temporary Laws of this province, read the third time and passed for Engrossing.

The House Adjournes till 7 a Clock to Morrow Morning.

Tuesday May the 21st 1695.

The house mett and Ordered to be called over, these following members were absent viz^t Cap^t Bayne, Cap^t Hill, Mr Greenfield, Mr Hawkins, Colonel Coursey, Cap^t Whittington, Mr Dickson, Mr Pollard, Mr Ennalls, and Col^o Codd.

Then was ordered to be read over what was done yesterday.

An Act for the Division and regulation of the Severall Countys within this province, and Constituteing a new one by the name of Prince Georges County, read the first tyme.

Cap^t Dent sent to his Ex^{cy} the Governor and the hon^{ble} their Maj^{ty}s Councill with the following Bills viz:

A Bill for assessing the publike Levy, and A Bill for Dividing the Severall Countys.

An Additionall act to the act for ports and Townes, read the 1st tyme.

Recomended to this house by his Ex^{cy} that the publike Revenue may be stated before the breaking up of this Sessions.

An Additionall act to the acts for Ports and Townes, read the second time.

An Additionall act for the better Regulateing the Militia read the third tyme.

The house Adjournes till 7 a Clock to morrow morning.

Wednesday May the 22^d 1695.

Original
Journal.

The house mett and ordered to be called over, were absent M^r Mason, M^r Clarke, M^r Frisby, M^r Hawkins, M^r Tasker, M^r Hutchins, Major Smalwood, Major Coursey, Maj^r Whittington, M^r Pollard, M^r Hooper, M^r Ennalls, M^r Hicks, Colonel Peirce and Colonel Codd.

M^r Plater enters the house and presents M^r Speaker, with an Acc^t of the 1^s p^h h^d ever since the Revolution to this tyme, and saith that his Ex^{cy} hath ordered the same to be employed to purchase armes and amunition according to a certaine List produced to the house and will also take care that what shall accrue thereby hereafter shall be imployed in like manner, and that his Ex^{cy} desires a committee be appointed to State and adjust the said Acc^t and make Reporte to the Lords of the Treasury what the said Revenue amounted to in Gov- p. 28
ernour Copleys tyme.

Major Hamond, Major Dorsey, Cap^t Hill and M^r Saunders, appointed to State the said account and make report thereof to the Lords of the Treasury.

His Ex^{cy} desireing the opinion of the house what order shall be made which might most conduce to his Matys Service in relation to the Sayling of the Shipping which shall be or Stay in the Country after the fleet is gone.

It is the opinion of this House that it will be for their Matys Service, that the Shipping which stay or come into this Province after the present Sessions, shall be cleared as fast as filled, as his Ex^{cy} shall think fitt.

The following acts being read and assented to by this house, was sent up to his Ex^{cy} and their Matys honble Councill by Major Smith, M^r Saunders and M^r Lowe.

An Additionall act to the act of Religion.

An Act for Secureing adm^{rs} and Ex^{rs} from double paying of Debts, and Lymitting the tyme for payment of obligations within this province.

An Additionall act to the act for better Adm^racōn of Justice in the Court for probate of Wills &c:

An Act for Regulateing Ordinarys and lymitting the number of them.

An Act restraining the frequent Assembling of negroes.

An Act for Laying an Imposition on Negroes and Servants imported.

An Act for Raiseing a Supply for the defraying of the publike charge of this province.

The House Adjourned for an hour.

Original
Journal.

Post Meridiem.

The house again mett and Mr Speaker, signifying to them that his Ex^{cy} recomended the gratifying the hon^{ble} W^m Blathway Esq. and John Povey Esq^r and to that end offered to advance 200^{ls} Sterl. upon the publike faith.

Ordered the following message be sent to his Ex^{cy} the Governor and the Honble their Matys^s Councill.

To his Ex^{cy} the Governor and Councill.

By the house of Burgesses May the 22^d 1695.

This house having well considered of your Ex^{cys} proposall touching the gratifying the honble Esq. Blathway, and Mr Povey do returne your Ex^{cy} our hearty thanks for your generous offer, but find our Selves altogether incapable at this tyme to gratifye the aforesaid Gentlemen being at p^rsent willing to gratifye all such obligations as this province now Lyes under.

Signed p order
W Bladen Clk Assembly.

p. 29 Sent by Major Whittington and Major Hammond, with the following Acts assented to by the house.

An Act for the naturallization of Matt Freeman and others.

An Act for the Settleing Ann Arundell County Court house.

An Act ascertaining the fees for naturallizations.

An Act for assessing 3^d p hh^d on Tobacco towards defraying the publike charge of this province.

An Additionall Act to the Act for Ports.

An Act for the Division and Regulateing Severall Countys within this province and Constituteing a County by the name of Prince Georges County.

An Act for laying the publike Levy.

An Explanatory Act to the Act of Repeale of all Laws heretofore made within this province, and Confirming all Laws made this Generall Assembly.

An Act Reviveing the Temporary Laws of this Province,

Message from his Ex^{cy} the Governor and Council by the honble: Thomas Tench and Thomas Brook Esq^{rs} that his Ex^{cy} desires the house to attend him in Councill.

Whereupon the house Adjourned for an hour, and Went up to attend his Ex^{cy} at the Councill Board where they saw the following Laws assented to by his Ex^{cy} and the honble their Matys Council. And also saw them Signed by his Ex^{cy}

Original
Journal.

1. An additionall act to the Act of Religion.
2. An Act for Secureing Adm^{rs} and Ex^{ors} from double paying of Debts and Lymitting the tyme of payment of obligations within this Province.
3. An Additionall Act to the Act for better administration of Justice in the Court for probate of Wills and granting administracōns.
4. An Act for Regulateing Ordinarys and Lymitting the number of them.
5. An Act restraining the frequent Assembling of Negroes.
6. An Act laying an Imposition on Negroes and Servants imported.
7. An Act for Raiseing a Supply, towards the defraying of the publique charge of this province.
9. An Act for Ascertyning the fees for Naturallizations.
10. An Additionall act to the act for Ports and Townes.
11. An Act for reviveing the Temporary Laws of this province.
12. An Act for assessing 3^d p^p hh^d on Tobacco: towards the defraying of the publique charge of this Province.
13. An Act for the Division and Regulateing Severall Countys within this province and Constituteing a County by the name of Prince Georges County within the Same.
14. An Act for laying the publique Levy.
15. An Explanatory Act to the Act of Repeale of all Laws p. 30 heretofore made within this province, and Confirming all Laws made this Generall Assembly.
16. An Act for the Settling Ann Arundell County Court house at the port of Annapolis within the same County,
17. An Additionall Act to the act for regulateing the militia of this Province.
18. An Act for the naturallization of . . . Mathiason & others.

After Which his Excellency Signified to M^r Speaker and the rest of the members that he prorogued them untill the tenth day of September next ensuing.

So Ended the third Sessions of this Assembly

May the 22^d 1695,

True Copy

W. Bladen Clk: of Assembly

Exa^d p. Tho: Brooke Dep^{ty} Sec^{ry}

Maryland ss:

Journall of the Comittee of Accompts: 1695.

Appointed and Ordered by the Burgesses of Assembly for

Original Journal. the Regulating and inspecting into the Publick accounts of this province att a Generall Assembly held at Ann Arundell Town in Ann Arundell County on the tenth day of May, Anno Domini 1695, (to witt)

M ^r Robert Mason	}	M ^r George Lingham	}
M ^r Thomas Smith		Cap ^t W ^m Whittington	
M ^r Thomas Greenfield		M ^r Francis Watkins	

In obedience thereunto the Committee appointed mett at the House of M^{rs} Rachell Prostor in Ann Arundell Town on the said tenth day of May in the Year 1695.

And Cap^t W^m Whittington by the s^d Committee was elected and Chosen Chairman, who tooke his place accordingly; and Cleborne Lomax was appointed their clerke, and ordered to attend the said Committee

Ordered, that the clerk of this committee sett up noates to give all Persons notice where the s^d committee sitts, and to bring in their acc^{ts} (to witt) one at the court house where the assembly Sitts, and another at M^{rs} Prostors

18 Ordered that M^r Robert Mason and M^r Thomas Smith goe to M^r Henry Wriothsesley and demand the Journall of the Committee of Accompts the last Assembly, as allsoe all the Journalls of other Assemblys Inne the Revolution together with all papers and accompts belonging or relating to any of the publick accompts.

M^r Thomas Smith and M^r Thomas Mason returns to the Committee, and brings the Journalls and all other papers and accounts Relating to the publick.

The Committee adjourns for an hour.

Eodem die. The Committee mett again and present as before.

The Committee now proceeds to the Examining and Regulating all publick accompts.

Col: Nicholas Greenberry his accompt referred untill he comes to Town to morrow morning.

Ordered, that the Chairman with the Major part of the members of this Committee shall proceed upon business, notwithstanding the absence of any other member of the same.

ls Tobaccocoe } 7269	}	M ^{rs} Rachell Prostor her accompt for the Bur-
		gesses Expenses from the 26 th day of ffebruary .
		1694, untill the first day of March in the year
to be p. by the	}	afs ^d Examined and allowed 7269 lbs
Severall Bur-		Tob.
gesses as appears	}	The Committee adjourns till to morrow
in fo: 13.		morning at Eight of the Clock.

Saturday May the 11th 1695.

Original
Journal.

The Comittee mett again. Present

Captain William Whittington	Chairman
M ^r Robert Mason	} M ^r George Lingham
M ^r Thomas Smith	
M ^r Tho ^s Greenfield	
	M ^r Ffrancis Watkins

M^r Robert Mason sent to the Hono^{ble} Coll^o Nicholas Greenberry to request him to come to the Comittee.

M^r Robert Mason returns to the Comittee and the Hono^{ble} Colonel Nicholas Greenberry with him.

The Hono^{ble} Coll^o Nicholas Greenberry his accompt examined and Regulated, is allowed as follows for fourteen dayes attendance at the Provinciaall Court in October 1692 at 1800 Tobo: p Day: 2520 lb Tobo: six dayes Itinerant charges for coming and goeing at 80 lb Tobo. p day 480 lb Tobo: May 2^d 1693: 15 days attendance at the Provinciaall Court at 180 lb Tobo: p Day, 2700 lbs: Six days Itenerant Charges Coming and goeing at 80 lb Tobo p Day 480 lb. Tobo. May the 2^d 1694, To the Seale for the Rénewment of the provinciall Courts Comission 720 lb Tobo.

May the 7th to the Seale to a Proclamation to Settle S^r p. 19 Thomas Lawrence President, 420 lb Tob^o

July the 14th 1694, to the Seale of a Comission for the tryall of the Ancostian King on Suspition of Murther 720 lb Tobo:

To Tobacco paid John Larkins for M^r Vanderburge a Messenger sent upon the Publick affairs, 224 lb Tobo:

To Tobaccoe paid for Ditto at M^r Henry Trumans at Battletowne 642 lb Tobo: in all 886 p^o Tobo: The whole Accompt am^t to 8906 lb Tobaccoe.

Allowed to the s^d Coll. Greenberry in October 1694 as by Tobaccoe } the Journall of the Comittee appears 5726 lb Tobo. 3180. } soe that there remaines to the s^d Coll^o Greenberry 3180 lbs. Tobo: and allowed in full of the said Accompt.

M^r Richard Beards accompt referred untill hee brings the Platt of the Towne to the Comittee.

The Comittee adjourns untill Munday Morning at ten of the Clock

Munday May the 13th 1695.

The Comittee mett again. Present
Cap^t William Whittington, Chairman.

M ^r Robert Mason	} M ^r George Lingham	}
M ^r Thomas Smith		
M ^r Tho ^s Greenfield		
	M ^r ffrancis Watkins	

M^r Robert Mason Sent to the Hono^{ble} Coll^o Nicholas Greenberry to request him to come to the comittee.

Original
Journal.

M^r Richard Beards accompt for laying out and Surveying the Town of Ann Arundel. Regulated and allowed in full of the said accompt 1000^{ls} Tobaccoe.

Daniell Canon his Petition read it being for three months labour worke upon the Publick undertaking at Ann Arundell Towne. referred untill Major Dorsey brings in his accompt for the Com̄ittee to enquire whether he hath charged for the Same or not.

The Comittee adjourns for an hour.

Eodem die. The Comittee mett again. Present as before.

1s Tobaccoe } M^r William Joseph his account for Cartage of
200 } Severall of the Burgeses necessities the last
Sessions of Assembly from S^t Mary's to Patuxent, examined
and allowed 200 ls Tobo:

His accompt for Storage of the Kings Powder being eleven Barrells for the Countreyes use, and transporting the Same from Patuxent to Ann Arundell Towne the s^d powder being ordered for Ann arundell County and Kent County, hee is referred to the said Countyes to be Satisfied and paid for the same, there being eight barrells for Ann Arundell County, and three Barrells for Kent County.

p. 20 M^r Garrett Vanswearingen his accompt for Expenses at the Removing of the Records from S^t Mary's to Ann Arundell County by the Attorneys Clerks and other Gentl^m by his Excellency the Governour Commanded to be there present, examined and allowed 2310 ls Tobo:

M^r Garrett Vanswearingen's Accompt for Expenses by the Persons ordered and appointed by the Com̄and of his Excellency the Governour in Settling the Com̄issaryes office in order to be sent away from S^t Mary's to Ann Arundell Towne, Examined and allowed 4334 ls Tobo: M^{rs} Anne Duke-worth her Accompt Regulated and allowed 3963 ls Tobaccoe in full to this day.

The Article of 2000 ls Tobaccoe for a horse prest ct. wee find that there was 1000 lb Tobaccoe allowed formerly for the same therefore rejected.

The Comittee adjourns till to Morrow Morning at ten of the Clock.

Tuesday May the 14th 1695.

The Comittee mett again. Present
Cap^t William Whittington Chairman

M^r Thomas Smith }
M^r Thomas Greenfield } M^r ffancis Watkins

The Comittee adjourns till to morrow morning at 9 of the Clock. Original
Journal.

Wednesday May the 15th 1695.

The Comittee mett again. Present
Cap^t William Whittington, Chairman

Mr Robert Mason } Mr George Lingham
Mr Thomas Smith } Mr Ffrancis Watkins

James Browne his accompt Examined and allowed as follows
(to witt) To the Expenses of the Hono^{ble} Councill after all
publick accompts made upe the last assembly to the 22^d day of
October 1694. 516 lb Tobaccoe.

1 tobaccoe } To the Expenses of Ann Arundell County Bur-
321. } gesses to the 20th October 1694. 321 l tobaccoe.

650. To the Expenses of Calvert County Burgesses to the
21st of Oct 1691. 650 lb Tobaccoe.

218. To the Expenses of Charles County Burgesses to the
19 of Octo: 1694. 218 lb Tobaccoe.

219. To the Expenses of Kent County Burgesses to the
20th of Octo: 1694. 291 lb Tobaccoe.

293. To the Expenses of Caroline County Burgesses to the
21 oct 1694. 393 lbs Tobaccoe.

37. To Jn^o Spratts Expenses. 37 lbs Tobaccoe.

2500. To the Expenses of the Grand Jury in Novem^r
Court 1694, as by the fforemans Receipt. 2500 lb Tobaccoe.

78. To the Expenses of George Plater Esquire in Exam-
ining the Provinciall Records. 78 lb Tobaccoe.

1120. To 14 Hides to secure the Records from bad
weather in the conveying of the same from S^t Mary's to Ann
Arundell Town at 80 lbs To: p hide. 1120 lbs Tobo:

30. To a pottle of flipe to the men. 30 l tobo:

50. To one days assistance in Examining the Provinciall p. 2^r
Records, 50 l tobo:

200. To Carting the Foundreyes & Powder from S^t Maryes
to Patuxent 200 lbs:

Mr Henry Lowes accompt Referred to himselfe to pay for
his attendance as a Justice of the provinciall Court from the
6th of Novemb: last untill the 11th S^c Novemb: hee having an
allowance by Act of Assembly as a justice of the Provinciall
Court.

12000. James Harper his accompt Regulated and allowed
12000 l Tobo.

The Article of 640 l tobo: Referred to a further prooffe.

And for the Horse Referred to the Consideration of the
house,

Original Journal. Cap^t Thomas Ems by assignment from Philip Lyons for the same 5000 l of fifteen pounds Sterling ordered the last conuention to bee drawn out of the publick Stocke l. 5000 l tob:

The Comittee adjourns till to morrow morning at 9 of the Clock.

Thursday May 16th 1695.

The Comittee mett again. Present

Cap^t William Whittington Chairman
 M^r Robert Mason }
 M^r Thomas Smith } M^r Thomas Greenfield.

1000. To M^r John ffreeman for translating his Excellency's Commission by Order of the House 1000 l tobaccoe.

To M^r William Bladen for fair Copy of the Laws sent for England, 2 Journalls, 2 Copyes of the Court house act, and 3800: Inspecting the Records upon the Removall allowed p order of the House 3800 l tobaccoe.

300. To Garrett Vanswearingen by order of the House for the vse of the Councill Roome 800 lb tob:

480. M^r James ffrisby his accompt Examined and allowed as follows (to wit) July the 23^d 1694 to the hire of two men to the 8th of Aug^t being 16 days at 15 l tobo: p Day each 480 l tobo:

240: To boate hire for the same time. 240 l tobo:

165: To the hire of one man more to the 3^d of August being eleven dayes at 15 l tob: p Day. 165 l tobaccoe.

300. To prouision & Liquors up & Down. 300 tobaccoe.

435. September the 20th to the hire of one man to the 25th of October being 29 days at 15 l tobaccoe p Day. 435 l tobaccoe.

400. To Provision & Liquors down Supe 400 l tobaccoe. in all 2455 l tobo:

James Cullen his account Regulated & allowed as follows (to witt) 2618. To Seuerall of the Burgesses expenses after adjourned. 2618 l tobo:

The article of 262 l tobo: for the grand jurors expenses p Davis his noate Referred to Daus. being allowed in Browns accompt.

p. 22 M^r John Pollard his expenses referred to himselfe hee having an allowance by Act of Assembly as a Justice of the Provinciaall Court. To his attendance Seven dayes as a Count Examining the Records of the Commissaries, writing and transcribing fair Copies of the Lysts of all the Records in the

sd office, as all soe of all the Bonds & and fue dayes in veiwe-
ing ouer the Records in the Secretaries office & allowed 800 lbs. Original
Journal.

M^r John Watson his accompt examined and allowed for 12 days attendance in Novemb: Court 1694, as a Justice of the Provinciaall Court 1840, And two dayes Itenerant Charges. 1840 l tobaccoe.

The Comittee adjourned untill two of the Clock in the Afternoon.

Eodem die. The Comittee Mett again. Present as before.

The Comittee adjourns untill to Morrow Morning at ten of the Clock.

Friday May the 17th 1695.

The Comittee Mett again. Present

Cap^t William Whittington, Chairman.

M ^r Robert Mason	}	M ^r George Lingham
M ^r Tho ^s Greenfield		

To Stephen Blatchford for transcribing 4 Copys of the Journall of the Councill to be sent for England, and Examining and drawing Copyes 3450 of the Provinciaall Records in the Secretaries & Commissaries office and other business &c. allowed 3450 l tobaccoe.

1200. To Nicholas Crouch for transcribing two Copyes of the Lawes to be sent for England, allowed by order of the house, 1200 l tobaccoe.

600: M^r William Cooper allowed by order of the house, for being Clerke at the laying of the publick levy 600 l tobaccoe.

Assigned to M^r Joshua Doyne of S^t Maries County.

1 tobaccoe: } To Hono^{ble} S^r Thomas Lawrence Baronett, his
1200: } Majestyes Secretary for Proclamation for a ffaste
day 480 l tobo: for Comission and dedinus Potestatem to try
James Welsh 720 l tobo: in all 1200 l tobacco.

M^r John Dorsey's Petition for a boate to Carry down (present) the Burgesses of Ann Arundell County to S^t Maryes, Septem^r 1693. referred by the house to the Comittee, and by the Comittee referred to the County, being levyed for their vse Anno Domi: 1694, as by the Journall of the Comittee appears.

The Comittee adjourned for an hour:

Eodem die. The Comittee mett again. Present as before.

The Comittee adjourns untill to Morrow Morning at nine of the Clock

Original.
Journal.

Saturday May the 18th 1695.

The Comittee mett again Present, Cap^t W^m Whittington
chairman

Mr Robert Mason }
Mr Thomas Smith } Mr ffrancis Watkins }

p. 23 Ordered that the 720 l tobo Allowed for boate hire to the
County of Ann Arundell October 1694, as by the Journall
appears for carrying down the Burgesses of Ann Arundell
County to St: Maryes Septem^r 1693 be by the Sherife of the
s^d County paid to the owner of the s^d boates &c:

The Comittee adjournes till Munday at two of the Clock in
the afternoon.

Munday May the 26th 1695.

The Comittee mett again. Present,

Mr Robert Mason,
Mr Thomas Smith } Mr George Lingham }
Mr Thomas Greenfield } Mr Ffrancis Watkins }

Cap^t William Whittington Chairman being absent, Mr
Robert Mason, was chosen chairman and tooke his place
accordingly.

Allowed Major Edward Dorsey upon his account by order
of the house as follows (to witt)

	1 tob.
10650: ffor six labourers for the use of the publick	10650.
2400: ffor twelve barrells of Corne,	2400
1100: One beefe and two hogges	1100
300: ffor Six bushells of beanes	300
50: ffor a parcell of nailes	50
450: Spent upon the Agreement	450
200 ffor the vse of a flock bed	100
<hr/> 15050.	<hr/> in all 15050..
600 Abated p order of the house upon yr s ^d accompt	600
<hr/> 15450	<hr/> 14450

1 tobaccoe } More allowed the s^d Dorsey for
1800 } nailes for the Court house 1 tob. 600 } 1 tob.
 } More allowed ditto, 400 } 1800
 } To Ditto for 800 foote of plank 800 }

1000: Allowed by order of the house to William Browne for a pair of Cart Wheeles and the body of a Cart 1000 l tobaccoe. Original Journal.

1600: Allowed by order of the House to Cap^t John Dorsey for a Cart horse. 1600 l tobaccoe.

1400: Allowed p order of the House to Samuel Howard for a cart horse 1400 l tobaccoe.

900. Allowed p order of the house to Cap^t Samuells Philips for harness for two horses 400^{lb} tob^o to ditto for a new flock bed and furniture 500 l tobo: in all 900 l tobaccoe.

Allowed p order of the house to Collo Henry Ridgely

	1 tobo:
To one rll four yeares old	450
To a flock bed, holster blanketts & Rugg	500
To 4 falling axes and a grubbing hoe	130
To one horse	180
To 200 p ^o of porke from Richard Snowdens,	400

1 tobaccoe	}	To a flitch of bacon	140	}	1 tobaccoe
3007		To two new flock beds and furniture	1200		
		To 4 p ^{cs} of Soape: 6 alkimy spoones & 500: 8 ^d nailes	97		
					3007

p. 24

2400: Allowed p order of the house to William M^cCubbin and three partners for making the fence. 2400 l tobaccoe.

900: To M^{rs} Prostor for their Accomodations. 900 l tobaccoe.

600: ffor the timber that made the ffence to Lancelott Todd. 600 l tobo:

3000: Allowed by order of the house to Edward Snelling for fitting up the Court house as by agreement. 3000 l tobaccoe.

800: To M^{rs} Proster for dyett for the Workmen employed thereupon. 800 l tobo:

Allowed Coll^o Charles Hutchins by order of the house.

	lb.	s.	d.
ffor 12 beeves at 3 lb a piece	36..	00..	00
ffor 2400 p ^o of porke c 208 p hundred,	24..	12..	00
ffor 3 tunn of barrells.	04..	14..	06
ffor 28 bushells of Salt	07..	00.	00
ffor 8 bushells of beans	01..	08..	00
ffor 30 flitches of bacon, Cont ^t 1255 lb: at 6 ^d			
p p ^o	31..	07..	06

548. To 66 pans of Earthen ware at 548 l tobaccoe.

Original 400. Allowed John Claxstone bricklayer by order of the
Journal. house. 400 l tobo:

3000. Allowed to W^m Carter bricklayer by order of the house. 3000 l tobo:

M^r William Holland his accompt regulated and allowed for pressing men & horses and ordinary expenses for the men to convey the 3000 } Provinciall Records & the Commissaries Records to Ann Arundell Town—3000 l tobaccoe.

Allowed Jacob Lockerman Sherife of Dorchester County for boate hire to carry the Burgesses over at the Assembly in ffebruary 1694, and 1440, } at the Assembly in May 1695, 1440 l tobaccoe.

1680 Allowed M^r Robert Mason one of the Justices of the Provinciall Court for 12 dayes attendance in Novemb: Court 1694 c 140^{lbs} Tobo: per day 1680 ls tobaccoe, allowed ditto Mason for two dayes Itenerant 160 } charges at 80 l tobo: p day, 160 l tobaccoe.

840 Allowed ditto Mason as a Justice of the Provinciall Court for his attendance in ffebruary Court 6 dayes c 140 l to: p day. 840 l tobo:

480 Allowed ditto Mason for 6 dayes Itenerant charges c 80 lbs tobo: p day, 480 l tobaccoe.

1 tobaccoe } allowed ditto Mason for his attendance as a
1960 } Delegate for S^t Maries County in May
Assembly to the 20th of May 14 dayes at 140 l tobo: p day.
1960 l tobaccoe.

480 Allowed ditto Mason six days Itenerant charges at 80 l tobo p day, 480 l tobaccoe.

780 Allowed ditto Mason for Canvas baggs and threed and making. 780 l tobacco.

p. 25 1 tobaccoe } allowed ditto Mason for bringing up the
1000 } Secretaries & Commissaries Records in his
Sloope to Ann Arundell Town.

1000 l tobo: } 1600 Allowed ditto Mason for the Mens provision, 1600 l tobaccoe.

2400 Allowed Clebourne Lomax for transcribing three Journall's of the House of Burgesses to be sent for England, 2400 l tobaccoe.

195 Allowed M^r James Browne for the expenses of the comittee of accompts, 195 l tobaccoe.

435 Allowed ditto Browne for Cleborne Lomax his expenses 435 l tobo:

415 Allowed ditto Browne for the other Clerks and Cap^t Hollands expenses 1415 l tobaccoe, And as for the Councellors Expenses Referred to themselves to pay.

420 Allowed Cap^t William Dent one of the Delegates for Charles County for his expences 3 dayes in Assembly in ffebruary 1694 at 140 l tobo: p day, 420 l tobaccoe.

320 Allowed ditto Dent 4 dayes Itenerant charges Comeing & goeing at 80 l tobo: p day, 320 l tob:

140 Allowed M^r George Lingham one of the Delegates for Calvert County one dayes attendance in assembly in february 1694, 140 lbs.

160 Allowed ditto Lingham 2 dayes Itenerant charges comeing & goeing at 80 l tobo: p day, 160 l tobo:

420 Allowed M^r Henry Hawkins one of the Delegates for Charles County for 3 dayes attendance in Assembly in february 1694, at 140 l tob: p day, 420 l tobaccoe.

320 Allowed ditto Hawkins 4 dayes Itenerant charges Comeing & goeing at 80 l tob: p day 320 l tob.

420 Allowed Major James Smallwood one of the Delegates for Charles County for 3 dayes attendance in Assembly in february 1694 at 140 l tobo: p day, 420 l tob:

320 Allowed ditto Smallwood four dayes Itenerant Charges comeing and goeing at 80 l tob: p day, 320 l tob:

140 Allowed M^r William Hutchison one of the Delegates for Charles County for one dayes attendance in Assembly in february 1694, 140 l tobaccoe.

320 Allowed ditto Hutchison 4 dayes Itenerant charges Comeing & goeing at 80 l tob: p day 320 l tobaccoe.

420 Allowed M^r Thomas Tasker one of the Delegates for Calvert County for three dayes attendance in Assembly in february 1694 at 140 l tob: p day, 420 l tob:

160: Allowed ditto Tasker two dayes Itenerant Charges at 80 p day 160 l tob:

1980 Allowed M^r Thomas Greenfield one of the Delegates for Calvert County for his attendance 13 dayes in Assembly in May 1695 to the 5th day of the s^d month, at 140 l to: p Day, 1820 l tob: and two dayes.

1 tobaccoe } Itenerant charges at 80 l tob: p day, 160
1980. } l tob in all 1980 l tobo: allowed M^r George Lingham one of the Delegates for Calvert County for his attendance in Assembly in May 1695, 13 days to the 20th of the s^d month at 140 l tob. p day 1820 l to: and two days Itenerant charges at 80 l to: p day, 160 l to: in all 1980 l tob: Allowed M^r Francis Hawkins one of the Delegates for Calvert County, for his attendance in Assembly in May 1695, 13 dayes at 140 l tob. p day till 20th day of the s^d month 1820 l tob. and two dayes Itenerant charges at 80 l tob: p day. 160 l tob. in all 1980 l tob:

Allowed M^r Thomas Tasker one of the Delegates of Calvert County for his attendance in Assembly in May 1695, 13 days to the 20th of the s^d moneth 1820 l tob. and two dayes Itenerant charges at 80 l tob. p day 160 l tob: in all 1980 l tob:

Original
Journal.

Allowed Mr Henry Hawkins one of the Delegates for Charles County for his attendance in Assembly in May 1695, 10 dayes at 140 l tob: p day 1400 and four dayes for Itenerant charges at 80 l tob. 300 l tob: in all 1720 l tob:

Allowed Major James Smallwood one of the Delegates for Charles County for his attendance in Assembly in May 1695, 13 dayes to the 20th day of the s^d month at 140 l tob: p day 1820 l tob: and four dayes for Itenerant charges at 80 l tob. p day 320 l tob: in all 2140 l tob:

Allowed Cap^t William Dent one of the Delegates for Charles County for his attendance in Assembly in May 1695, 13 days to the 20^t of the s^d month at 140 l tob: p day, 1820 l tob: and four dayes for Itenerant charges at 80 l tob: p day 320 l tob: in all 2140 l tob:

The Committee adjourns till to morrow morning at nine of the clock.

Twesday May the 21st 1695.

The Committee mett again. Present.

Mr Robert Mason Chairman

Mr Thomas Smith } Mr George Lingham }
Mr Thomas Greenfield } Mr ffrancis Watkins }

Allowed Mr Thomas Smithson one of the Delegate for Talbott County for his attendance in Assembly in May 1695, 14 dayes to the 21st day of the s^d month at 140 l tob: p day 1960 l tob: and for four dayes Itenerant charges comeing & goeing 80 l tob: p day 320 l tob: in all 2280 l tob:

Allowed Mr Nicholas Lowe one of the Delegates for Talbott County for his attendance in Assembly in May 1695, 14 dayes to the 21st day of the s^d month c 140 l to: p day 1960 l tob: and for 4 dayes Itenerant charges & 80 l tob: p day 320 l tob: in all 2280 l tob:

p. 27 1tobaccoe } Allowed to Major John Hamond for his
1880 - } attendance as a Justice of the Provinciall
Court in Novemb^r last ten dayes at 140 l tob: p Day 1400
l tob: and for his Itenerant charges six days comeing and goe-
ing at 80 l tob. p Day 480 l tob. in all 1820 l tob;

Allowed ditto Hamond as a Justice of the Provinciall Court in ffebr^y last 5 days & 140 l tob. p day 700 l tob:

Allowed ditto Hamond as a Delegate for Ann Arundell County for his attendance in assembly in May 1695, at 140 l tob: p day 12 dayes to the 21st day of the s^d month, 1680 l tob.

Allowed Mr Edward Boothby for a boate for the Countryes Service in ffebruary 1694, 720 l tob: and for a boate in May 1695, 720 lbs, in all 1440 l tob:

Allowed ditto Boothby one of the Delegates for Baltimore County for his attendance in Assembly in february 1694, 3 dayes at 140 l tob: p day, 420 l tob: and four dayes Itenerant charges comeing & goeing at 80 l tob. p day 320 l tob: as allsoe 14 days for his attendance in Assembly in May 1695, to the 21st of the s^d month & 140^{lb} tob: p day 1960 l tob, and four dayes Itenerant charges comeing & goeing at 80 l tob: p day, 3200 l tob: in all 3020 l tobaccoe.

Allowed M^r Francis Watkins one of the Delegates for Baltimore County for his attendance and Itenerant charges as above in february & May Assemblies to the 21st of the s^d month 3020 l tob:

Allowed Cap^t James Maxwell one of the Delegates for Baltimore County for his attendance and Itenerant charges afores^d in february & May Assemblies to the 21st of the s^d month 3020 l to:

Allowed to M^r John Fferry one of the Delegates for Baltimore County for his attendance and Itenerant charges as afores^d in february & May Assemblies to the 21st of the s^d month 3020 l tob:

Allowed M^r John Bosman one of the Delegates for Sumersett County for his attendance in Assembly May 1695, 15 dayes at 140 l tob: p day 2100 l tob: and six dayes Itenerant charges comeing & goeing at 80 l tob: p day 480 l tob: in all 2580 l tob:

Allowed M^r Thomas Dickson one of the Delegates for Sumersett County for his attendance in Assembly in may 1695, 12 dayes at 140 l tob: p day 1630 l tob: and Six dayes Itenerant charges comeing & goeing at 80 l tob: p day 480 l tob: in all 2160^{ld} tob.

Allowed Cap^t Thomas Waughob one of the Delegates of the City of St Maries for his attendance in Assembly in february 1694, 3 dayes at 140 l tob: p day, 420 l tob: and Six dayes Itenerant charges at 80 l tob: p day 480 and 14 dayes attendance in Assembly in May 1695 at 140 l tob: p day to the 21st of the s^d month 1960 l tob: and six dayes Itenerant charges at 80 l tob: p day, 480 l tob: in all 3350 l tobaccoe.

1 tob: } Allowed M^r Philip Clarke one of the Delegates p. 28
3340 } for St Maries County for his attendance in Assembly
in february 1694, and for his Itenerant charges, and for his
attendance in Assembly in May 1695 to the 21st day of the s^d
month and for his Itenerant charges as afores^d 3340 l tob:

Allowed M^r John Watson one of the Delegates for St: Maries City for his attendance in Assembly in May 1695, 15 dayes to the 21st of the s^d month at 140 l tob: p day 2100 l tob: and for his Itenerant charges Six dayes goeing and comeing at 80 l tob: in all 2580 l tob:

Original Journal. Allowed to M^r Henry Hooper one of the Delegates for Dorchester County for his attendance in Assembly, May 1695, 12 dayes to the 21st of the s^d month at 140 l tob: p day 1680 l tob: and six dayes for his Itenerant charges Comeing and goeing at 80 l tob: p day 480 l tob: in all 2160 l tob.

Allowed M^r Thomas Ennalls one of the Delegates for Dorchester County for his attendance in Assembly in ffebruary 1694, 3 dayes at 140 l tob p day 420 l tob, and six dayes for his Itenerant charges Comeing and goeing at 80 l tob: p day, 480 l tob, in all 900 l tob:

Allowed M^r Thomas Hicks one of the Delegates for Dorchester County for his attendance in Assembly in ffebruary 1694, and for his Itenerant charges as above, 900 l tob:

The s^d M^r Thomas Ennalls and M^r Thomas Hicks for their attendance in Assembly in May 1695 to be allowed for the Same in the Levy in October next.

Allowed M^r Kenelm Chiseldyn one of the Delegates for St Maries County for his attendance in Assembly in ffebruary 1694: 3 dayes at 140 l tob: 420 l tob: and for his Itenerent charges comeing and goeing six dayes at 80 l tob: p day, 480 l tob, and for his attendance in May 1695 in Assembly: 14 days till the 21st day of the s^d month at 140 l tob: p day, 1960 l tob, and six days Itenerant charges comeing and goeing at 80 l tob: p day, 480 l tob in all 3340 l tob: Allowed Major John Thompson one of the Delegates for Cecill County for his attendance in Assembly in ffebruary 1694, 3 dayes at 140 l tob: p day, 420 l tob: and four dayes for his Itenerant charges Comeing and goeing at 80 l tob: p day, 320 l tob: and for his attendance in Assembly in May 1695, 14 dayes till the 21st of the s^d month 1960 l tob: and four dayes for his Itenerant charges Com-ing and goeing at 80 l tob: p day, 320 l tob: in all 3020 l tob:

Allowed Coll^o Casparus Herman one of the Delegates for Cæcill County for his attendance in Assembly in ffebruary p. 29 1694, 3 dayes at 140^{lbs} tob: p day, 420 l tob: and four days for his Itenerant charges Comeing and goeing at 80 l tob, p day 320 l tob: for his attendance in assembly May 1695 14 days to the 21st of the s^d month } 1 tob: } at 140 l tob: p day 1960 l tob: and four dayes } 3020 } for his Itenerant charges comeing and goeing at 80 l tob: p day 320 l tob: in all 3020 l tobo:

Allowed M^r John Hinson one of the Delegates for Kent County for his attendance in Assembly in 1694, and two dayes for his Itenerant charges, and allsoe for his attendance in Assembly in May 1695, 14 dayes till the 21st of the s^d month and for his Itenerant charges comeing and goeing two dayes as before, 2700 l tob:

Allowed M^r Hans Hanson one of the Delegates for Kent County for his attendance in Assembly in february 1694, and two dayes for his Itenerant Charges Comeing and goeing, for his attendance in Assembly in May 1695, 14 dayes to the 21st day of the said month, and for his Itenerant charges goeing and Comeing two dayes as before 2700 l tobaccoe: Original Journal.

Allowed M^r Samuel Smithson of the Delegates for Kent County for his attendance in Assembly in february 1694, and for his Itenerant charges two dayes Comeing and goeing, and for his attendance in Assembly May 1695, 14 dayes to the 21st day of the said month, and for his Itenerant charges Comeing and goeing two dayes as before, 2700 l tobaccoe.

Allowed James Baker door keeper upon his petition for his attendance. 2000 l tobaccoe.

John Wincoll his accompt Regulated and Allowed. 660 l tobaccoe. allowed John Newton Drummer for his attendance two Provinciaall Courts and this and the last Assembly. 1200 l tobaccoe.

M^r John Larkins his accompt Regulated & Allowed. 7026 l tob: William Price of S^t Maries County his accompt Regulated and allowed. 450 l tobaccoe.

Allowed Thomas Blake upon his petition p order of the house. 1200 l tob: M^r Robert Carss his accompt referred till October next to examine the Journalls.

Allowed to M^{rs} Rachell Prostor for the Expenses of the Comittee of accompts and Cleborne Lomax Clerke his Expenses. 578 l tob.

Allowed M^r Matthew Scarborrow one of the Delegates for Summersett County for his attendance in assembly in May 1695. 11 dayes to the 20th day of the s^d month c 140 l tob: p day, 1540 l tob: and six dayes for his Itenerant charges comeing and goeing at 80 l tob p day 480 l tob. in all 2020 l tobaccoe.

Allowed to Cap^t Richard Hill one of the Justices of the Provinciaall Court for his attendance in November Court 1694. ten dayes at 140 l tob: p day. 1400 l tob: and six dayes for his Itenerant charges Comeing and goeing at 80 l tob: p day 480 l tob: and for his attendance two dayes in february Court 1694. at 140 l tob: 280 l tob: and for his attendance in May 1695. in Assembly as a Delegate for Ann Arundell County 14 dayes to the 21st day of the s^d month at 140 l tob: p day 1960 l tob: in all 4120 l tobaccoe. p. 30

Allowed to Cap^t William Holland for the Expences of Coll^o Charles Hutcheson, when hee agreed with the Workmen expended at M^{rs} Prosters. 672 l tobaccoe.

Allowed to M^r Charles Hatton of Charles County as a Justice of the Provinciaall Court for his attendance at S^t Maries

Original in Novem^r Court 1694. 12 dayes at 140 l tob: p day. 1680
Journal. l tob: and for his Itenerant Charges Comeing and goeing four
dayes at 80 l tob: p day 320 l tob: and for his attendance in
february Court 1694. 3 dayes at 140 l tob: p day 240 l tob:
and four dayes for his Itenerant charges comeing and goeing
at 80 l tob: p day 320 l tob: in all 2560 l tobaccoe.

Memoranded: that which was spent the last Sessions of
Assembly in february last at the house of M^{rs} Prostors by the
Severall Respective Burgesses then present be by them Satis-
fied and paid out of their Allowances, being 7269 l tob:
Allowed to Kent County for a boate to bring the Burgesses
in february & May Assemblies, 1440 l tobaccoe.

Allowed by order of the House to Coll^o John Hinson for
nine barrells of Corne, 2000 l tobaccoe.

Allowed by Order of the House to M^r John Murrough his
Ex^{cy} the Governour's waiting gentd^m 2000 l tobaccoe.

Allowed by order of the House to M^r Peregrine Coney,
2000 l tob.

Allowed by order of the House to M^r John Lillingstone,
2000 l tob:

Lib. L. L. 2

The Committee adjourns to the House.

Att a Sessions of Assembly held att Annapolis the 8th day
of May in the Seventh Year of the reigne of our Sovereigne
Lord and Lady William and Mary by the Grace of God of
England Scotland France and Ireland King and Queen
Defenders of the faith &c. Anoq Dni 1695 Were Enacted
These following Laws

An Act for setling Ann Arundell County Court att the
Porte of Annapolis within the same County.

Forasmuch as there is not any good Court house built and
fitted for the County of Ann Arundell, And That the Pro-
vinciall Court is now by Law Established to be held and kept
forever hereafter att the Porte of Annapolis on the River of
Seavern within the same County where there is and must of
necessity be a Court house for the publick Service of this
Province built which may be Sufficent for holding the County
Courts in also and thereby the County saved the Charge of
building a County Court house and the said Porte of An-
napolis propagated and encreased Be it therefore Enacted by
the King and Queen's most Excellent Maties by and with the
Advice and Consent of this present Gen^l Assembly and the
p. 85 Authority of the same That the Justices of the County Court
of Ann Arundell County do att their next meeting in their
County Court adjourn themselves from the place the same

Court shall be held to the Porte of Annapolis upon Seavern Lib. L. L. 2
River in Ann Arundell and there att the said Porte in the
Court house of the Province hold and keep the said County
Court and so all County Courts for the s^d County shall for
ever hereafter be held and kept att the said Porte of
Annapolis att Seavern River aforesaid in Ann Arundell County
aforesaid & att no other place whatsoever in the said County
and that the Records of the said County be removed to the s^d
Porte there to be kept, and also that the Church to be built
and Erected for the Parish in which the said Porte of Annapolis
is shall be built and erected within the said Porte in such place
and part thereof as to his Excellency the p^rsent Govern^r shall
be thought fitt and Convenient, which shall for ever hereafter
be Denominated Called and Known by the name of the Porte
of Annapolis and by no other name or Distinction whatever.

An Act for secureing of Adm^{rs} and Executors from double
paying of Debts & Limitting the time for payment of Obl-
gations within this Province.

Forasmuch as Doubts have arisen whether Executors or
Administrators haveing fully Satisfyed so farr as Assetts all
Debts due within this Province with respect to the quality of
the same Debts should be Lyable to answer debts Contracted
out of this Province being of a higher nature for preventing
of all ambiguities for the future and to the end That the
severall and respective Courts and the Practitioners thereunto
appertaining may be Ascertained what methods & Measures
hereafter to take in Cases of that nature it is prayed That it
may be Enacted And Be it Enacted by the King and Queens
most Excellent Maties by and with the Advice and Consent
of this present Generall Assembly and by the Authority of the
same That from and after the publication hereof no person or
persons being Executors or Administrators of any Estate within
this Province shall be lyable to pay or satisfy debts Contracted
out of this Province of what nature or quality soever, Debts
due to their Sacred Maties onely Excepted Before Debts due
within this Province from the Estate or Estates of any person
or persons Deceased shall be paid & Satisfyed if such Executors
or Administrators shall have Assetts in his her or their hands
sufficient to satisfy and pay the same such Executors or Ad-
ministrators haveing respect to the quality of the Debts Due
within this Province as aforesaid unless the Creditor or Cred-
itors of the said Deceased being persons Resideing out of this p. 87
province as aforesaid on any Action or Actions by him her or
them brought against such Executors or Administrators as
aforesaid upon any Debt or Contract of a higher nature then

Lib. L. L. 2 those Contracted within this Province as aforesaid Be it by Statute Merchant or of the Staple Judgem^t Bond or otherwise do upon Tryall make it Sufficiently appear that such Executors or Administrators had due knowledge and Cognizance thereof upon due proof thereof as aforesaid if such Executors or Administrators shall have paid Debts of an inferior nature not recovered against them by due Course of Law or suffered Judgem^t to go against them for any such Debt as aforesaid without pleading such forreigne Debt in stay of judgement such Executor or Administrator not haveing Assetts in his her or their hands Sufficient to pay the Debt as aforesaid and Satisfy the same the Court before whom such Action shall be brought shall give judgem^t and award Execution against such Executors or Administrators de bonis proprijs to such Creditor or Creditors as af^d as the Law in that Case directs any thing in this present Act Contained to the Contrary thereof in any wise notwithstanding, and for that it hath been found of Evill Consequence That Bonds Bills and other obligations under the hand and Seale of any person or persons within this Province which are of very Ancient Date and probably have been by the person or persons who were Debtors thereby long before paid and Satisfyed but for want of Due proof thereof or the receipt for payment through length of time become Casually last such Debt^s are laid lyable by Law to pay and Satisfy such

p. 88 Debt or debts by them so formerly paid and Satisfyed as afores^d Be it therefore Enacted by the Authority afors^d by and with the Advice and Consent aforesaid That for the future no Bill Bond or other Obligation under the hand & Seale of any person or persons whatsoever that hath been or shall att any time hereafter be taken of any the Inhabitants of this Province aforesaid that shall not be renewed within five years from the publication hereof or within five years from the takeing of such obligation as af^d and so for every five years successively be sueable or Impleadable in any Court within this Province, Debts due to their sacred Matys their heires and Successors, Bonds formerly given or hereafter to be given into any office within this Province or debts due to any persons under age non Sane memorie an beyond the Seas and not returning within five years as aforesaid (onely Excepted) Provided That this Act nor any thing therein Contained be Construed or taken to give any Advantage or benefitt to persons flying out of this Province and not returning within the time aforesaid anything in this present Act Contained to the Contrary in any wise Notwithstanding.

An Additional Act to the Act for Portes.

Lib. L. L. 2

Be it Enacted by the King and Queen's most Excellent Maties by and with the Advice and Consent of this present Generall Assembly and the Authority of the same That the Town Land att Oxford in Talbott County Constituted and Appointed a Town and Porte by a former Act of Assembly made att a Session of Assembly begun and held att the City of St Marys the one and Twentieth day of September in the Year of our Lord one Thousand six hundred ninety and four be again Surveyed and layd out, That is to say some time before the last day of September next before the Comissioners in the afore recited Act nominated and Appointed bounding the same att Low Water Mark including the Island and so to the old bounded Tree att the Southermost part of the neck and that as well in the s^d Porte and Town as in the Porte and Town of Ann Arundell there be one or more places laid out and reserved as the Comiss^{rs} of the respective Portes shall think fitt for the building of Ships and other Vessells and that the Officers of the Lord Proprietary for receiving the Dutys due and payable to his s^d Lordship be hereby obliged by themselves or Deputys thereunto Authorized and appointed to reside att the said Ports & Towns for the dispatch of Ships and other Vessells Entring & Clearing att such Ports and Towns as aforesaid And be it also Enacted by the Authority aforesaid That the Two ports of Ann Arundel and Oxford for the future shall be Called known and distinguished by the names or Appellations of Annapolis and William Stadt. That is to say the Porte of Ann Arundell to be Called by the name of Annapolis and Oxford by the name of William Stadt and that there be purchaced to the said Town of William Stadt one hundred acres of Land adjacent to the said Town for a Common or Pasture for the benefitt of all persons within this Province that shall repaire to the said Town and that the same be laid out as above Expressed and that Six Acres of the same be reserved for publick buildings.

An Act for Naturalization of Mathias Mathiason, als. Freeman, Peter Golley, John & Joseph Goutee and Joseph and John Sons of the s^d Joseph Goutee & Leonard Camperson

Be it Enacted by the King and Queens most Excellent Maties by and with the Advice and Consent of this Present Generall Assembly and the Authority of the same That Mathias Mathiason als Freeman of Cecill County, Peter Golley; John & Joseph Goutee and Joseph & John sons of the said Joseph Goutee and Leonard Camperson of Talbott County within this Province Be from henceforth reputed and taken as

Lib. L. L. 2 Naturall born Subjects of this Province and that by the Authority af^d they be Enabled and adjudged to all Intents & purposes whatsoever to Ask have hold purchase and enjoy any Lands Tenements Rents and hereditaments to which they might in any wise be intituled as if they were free and naturall born Subjects and also that they shall and may be
 p. 91 Enabled to prosecute maintain and avow and also Justify and Defend all and all manner of Actions Suites pleas plaints and other Demands whatsoever as Liberally ffrankly ffreely fully Lawfully and securely as if they or either of them had been naturall borne people or Subjects of this Province any Law Statute or Custome to the Contrary notwithstanding

An Act Ascertaining the ffees for Naturalization

Whereas Diverse Complaints have been made That severall persons have taken and Exacted Immoderate ffees of Persons naturalized for prevention thereof for the future

Be it Enacted by the King and Queens most Excell^t Maties by and with the Advice and Consent of this present Generall Assembly and the Authority of the same that The ffees to be taken by the severall Clerks and Officers belonging unto the Assembly for the naturalization be such as shall be Allowed and adjudged by the respective Assemblys when and where such persons shall be naturalized and that no person whatsoever presume to demand or Exact any more ffees of any such persons Naturalized then what are so allowed or to be allowed under the penalty of Two Thousand pounds of Tobacco to every such person Exacting or Extorting more than what is or shall be allowed by such Assembly Assessing the ffees as aforesaid the said forfeiture to be recovered in any Court of
 p. 92 Record within this Province by Action of debt Bill plaint or Information wherein no Essoyn protection or Wager of Law to be allowed the one halfe to their Maties the other halfe to the Party Grieved.

An Act for the Division and Regulating Severall Countys within this Province and Constituting a County by the name of Prince Georges County within the same Province

Whereas Diverse of the Inhabitants of the Countys of S^t Marys and Kent have by their Petitions Complained That through the irregularitys of their Countys being so ill scituated that their Court houses or Chief places of Judicature within their Countys cañot be Seated for the Conveniency of the Inhabitants and Suitors to the Same therefore this Generall

Assembly have taken into their Serious Consideration to Lib. L. L. 2
Address the Agrievances for the future do therefore humbly
pray that it may be Enacted And Be it Enacted by the King
and Queen's most Excellent Maties by and with the Advice
and Consent of this present General Assembly and the Au-
thority of the same That from & after the Twenty third day of
Aprill next being S^t Georges Day after the end of this present
Session of Assembly That the bounds of S^t Marys County shall
begin att Point Look out and Extend it Selfe up Potomock
River to the Lower Side of Birds Creek and so over by a
Straight line Drawn from the head of the maine Branch of the
said Birds Creek to the head of Indian Creek in Putuxent P. 93
River and which falls into Putuxent River including all that
Land lying between Putuxent and Potomock Rivers from the
Lower part of the said two Creeks and branches of Birds and
Indian Creek by the line aforesaid and Point Look out as
aforesaid and upon the uper Side of the s^d Indian Creek and
Birds Creek shall the bounds of Charles County begin where
the uper bounds of S^t Marys Ends and Extend it selfe upwards
as farr as Mattawoman Creek and branch and bounding on
the said Branch by a straight line Drawn from the head thereof
to the head of Swansons Creek in Putuxent River including
all that Land lying on the uper part of Birds Creek and In-
dian Creek Branches where S^t Marys County Ends to the
Lower side of Mattawoman Creek and Branch & Swansons
Creek and Branch between Putuxent and Potomock Rivers as
aforesaid And be it enacted by the Authority afores^d by and
with the Advice and Consent aforesaid That the Land from
the upper side of Mattawoman and Swansons Creeks &
Branches Extending upward bounded by potomock on the
West and Putuxent River on the East shall be and is hereby
Constituted founded & Incorporated into a County of this
Province and shall be Denominated Called and known by the
name of Prince George's County and shall from and after the
said Twenty third day of Aprill next Ensueing being S^t
George's Day as aforesaid have and enjoy all other Rights
benefitts and priviledges Equall with the other Countys of this
Province such as sending Burgesses to Assemblys haveing
County Courts Sherriffe Justices and other Officers and Minis- P. 94
ters requisite & necessary and as used in other Countys of
this Province And be it Enacted by the Authority aforesaid
by and with the Advice and Consent aforesaid That the
severall and respective persons hereafter in this Act men-
tioned shall and are hereby Authorized Required and Impow-
ered to Call to them the Surveyors of the Countys and Cause
them to runn out the Lines and bounds of the said Countys of
S^t Mary's Charles and Prince George's Countys as aforesaid,

Lib. L. L. 2 that is to say from the heads of the Branches of Birds and Mattawoman Creek to Indian and Swanson's Creek as aforesaid, That is to say M^r Robert Mason & M^r James Keech for S^t Marys County, M^r John Bayne and M^r James Bigger for Charles County, M^r William Hutchison, and M^r Thomas Greenfield for Prince Georges County who are required and enjoyned by this Act att or before the Twenty third day of Aprill as aforesaid to Cause the said Two lines from the head of Birds Creek Branch to the head of Indian Creek Branch and from the head of Mattawoman Branch to Swansons Creek Branch fully to be marked and lined by a double line of Marked Trees That the same may be known and perceived by all persons desireing to know the same and shall returne a Certificate of the due Courses thereof one to each County Concerned that is to say S^t Marys, Charles, and Prince George's Countys and make Certificate to his Excellency the Governor and Councill to be recorded in the Councill Records

95 and each County Courts Records aforesaid under the penalty of one Thousand pounds of Tobacco to each person hereby nominated and Appointed failing and Two Thousand pounds of Tobbacco to the Surveyor failing one halfe to the Informer the other halfe to the Vestry of the Parish where the Offender dwells to be recovered in any Court of Record within this Province by Action of debt Bill plaint or Information wherein no Essoyn protection or Wager of Law to be Allowed And be it further Enacted, by the Authority aforesaid by and with the Advice and Consent aforesaid That the place for holding the County Court of S^t Marys County shall forever hereafter be att the City of S^t Marys in the State house of the said City there formerly built att the Cost and Charge of this province and in no other place of the said County whatsoever the same State house being hereby Allotted and appointed by this present Generall Assembly to the County of S^t Marys for holding and keeping theire Courts in and such other decent Services as to the Justices of the same County in full Court shall be Consented and agreed to And be it further Enacted by the Authority aforesaid by and with the advice and Consent aforesaid That from and after the Twenty third day of Aprill next after the end of this present Sessions of Assembly the Island of Kent shall be Added to and made part of Talbott County and Deemed reputed and Taken as part thereof And That that part of Talbott County lying on the North side of Corsecia Creek running up the main Eastern Branch to the head thereof and then with a Course drawn East to the out side of this Province shall be the Southerly Bounds of the

p. 96 County of Kent and on the North by the County of Cecill any Law Statute or usage heretofore to the Contrary notwithstanding

standing And be it further Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid that the persons herein nominated are Authorized & Impowered and hereby appointed sometime before the Twenty-third day of Aprill next to Call to them the Surveyo^r of the County of Talbott and Cause the Bounds of the s^d Countys of Kent and Talbott to be run out and marked by a Double line of Trees to be marked between Kent and Talbott Countys as aforesaid That is to say M^r William Coursey for Talbott County and M^r Symon Willmore for Kent County who are hereby Authorized and required to see the same done and performed att or before the time aforesaid and returne a Certificate thereof as aforesaid under the Penalty aforesaid to be recovered as aforesaid.

Lib. L. L. 2

An Explanatory Act to the Act of all Laws heretofore made in this Province and Confirming all Laws made this Generall Assembly.

Be it Enacted by the King and Queens Excellent Matiēs by and with the Advice and Consent of this p^rsent Generall Assembly and the Authority of the same That those Private Acts heretofore made att a Generall Assembly begun and held att the City of S^t Marys the fifteenth day of May in the year of our Lord one thousand six hundred Seaventy and six (to witt) An Act for the settling the Inheritance of the Reall Estate of Robert Cager as also his personall Estate upon the Mayor Recorder Aldermen and Common Councill of the City of S^t Marys and theire Successors to the uses in the said Robert Cagers Will mentioned as also those other Private Acts made att a Generall Assembly begun and held att the City of S^t Marys, the Twentieth day of October in the year of our Lord one Thousand Six hundred Seaventy Eight to witt An Act for the naturalization of Joshuah Guibert and one other Act for the Naturalization of James Peane, Magdalen his wife Ann Peane and Jacob Lookerman of this Province and one other Act Concerning the secureing a Plantation with its Appurtenances to Mary Ward Executrix of the Last Will and Testament of Mathew Ward of Talbott County deceased to her and her heires for ever and that all other Private Acts whatsoever heretofore made be Confirmed ratified Deemed reputed and taken to be in full force any Act or Acts heretofore made to the Contrary Notwithstanding.

p. 97

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND,

*At a Session held at Annapolis,
Oct. 3-19, 1695.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

FRANCIS NICHOLSON,
Governor.

THE UPPER HOUSE.

Maryland ss:

Journall of the Councill in Assembly

Octob^r the 2^d 1695.

Original
Journal.
p. 1

Whereas the Gen^l Assembly of this Province (by Severall adjournm^{ts} and Prorogations) stood prorogued untill the second day of Octob^r instant, being by Proclamation (bearing Date the 19th day of August last past) appointed to meet at the port of Annapolis to do and Consent unto such things as by the favour of God should then and there happen to be Ordained for the Glory of God his Ma^{ty} Service and the good of the Countrey, But it so falling out that (through Stress of weather) neither the Gentlemen of his Ma^{ty} Hon^{ble} Councill nor a Sufficient number of the members of the worshipfull the house of Burgesses could meet to sit according to Prorogation, on that day his Ex^{ncy} was thereupon pleased to Order his Ma^{ty} Writt to issue for the further prorogueing the s^d Assembly untill the next day after the which was accordingly issued and sent unto the house of Delegates and Burgesses, the tenor whereof follows in these words, Viz^t

William the third by the Grace of God of England, Scotland ffraunce, and Ireland King Defend^r of the ffaith &^{ca} To our Councillors the Delegates & Representatives of the severall Counties of our Province of Maryland, Greeting Whereas upon the 22th day of May last past, Wee thought fit to prorogue you untill the tenth day of Septemb^r last, yet upon further consideration We thought fit and expedient for the good and welfare of this province and the good people thereof (by our Proclamation bearing date the 19th day of August last) further to prorogue you untill the 2^d of Octob^r instant, at which time We Commanded the sev^rall and respective Sherriffs of the severall Counties of our s^d Province to give notice to all and every of you that you should Convene yo^rselves together at the Port of Annapolis upon the s^d day last mentioned, then & there to do and Consent to such things as should by the favour of Almighty God happen to be done and Enacted for the good and welfare of this province, Now Know Yee th^t for severall weighty reasons us thereunto moving, We have thought fit and do by these presents further prorogue you Untill the day after the date hereof; at which

Original time & at the place afores^d We will & Require you th^t you
Journal. Convene your selves to the End afos^d Witness our selves in
our high Court of Chancery at our port of Annapolis the
second day of Octob^r in the 7th year of the Reign &^{ca} Annoq
Dñi. 1695

ffr Nicholson.

p. 2 At a Councill in Assembly by Prorogation (as above) mett
and held at the port of Annapolis the third day of Octob^r
(being Thursday and in the seaventh year of his Ma^{ts} Reign
&^{ca} Annoq Domini 1695 and there Continued untill the nine-
teenth day of the s^d month being the ffourth sessions.

Present

His Ex^{ncy} ffrancis Nicholson Esq: Cap^t Gen^{ll} &^{ca}

The hon^{rble} { Coll: Nich^o Greenberry }
 { Coll: John Addison }
 { Coll: John Courts }

Thomas Brooke Esq^r }
James Frisby Esq^r }

Produced and Read at the board Cap^t Thomas Taskers
Return to certain instructions given him by his Ex^{ncy} upon his
Agency to New York.

Then read a Lett^r sent from his Ex^{ncy} Coll: Benjamin
fletcher his Ma^{ts} Govern^r of the Province of New York unto
his Ex^{ncy} ffrancis Nicholson Esq^r Govern^r of this province
directed, bearing date the 30th day of August last past,
Ordered that the same be laid before the house of Delegates
and Burgesses for their Consideration and th^t Cap^t Tasker be
sent for to appear at this board with the aforementioned
Instructions to see whether the same have been punctually
complied with.

Adjourn till to morrow morning.

ffryday, Octob^r the 4th 1695

The Councill again Sate & were p^rsent as yesterday with
the addition of the hon^{rble} Coll: Hen: Jowles, Coll. Charles
Hutchins and Coll: David Browne.

Came Cap^t Thomas Tasker according to Ord^r yesterday
and appeared at the Board.

Then was read over those instructions given him in charge to New York together with Govern^r ffletchers Letter and the s^d Cap^t Taskers return to the same with a list of bills of Exchange raised out of the late additionall Act of the 3^d p^hhd: amounting to the sume of 199^{lb} 18^s 1^d the which by the s^d Cap^t Tasker was delivered to his Ma^{ty} Receiver Gen^l of the province of New York as by Receipt for the same produced appeared: Delivered in also his Acco^t of expences disbursed upon his Journey thither and back again which likewise was Read and approved off.

His Ex^{ncy} is pleased to ask Cap^t Tasker what answer the Councill of New York Governm^t gave Concerning sending some person from thence to be at our Assembly here, to which he says it was answered him that it was too expensive to send one, for that the last messenger had Cost their Governm^t 19^{lb} p. 3 Sterl thereupon the hon^{rb}le Coll: Nich^o Greenberry then President inform'd his Ex^{ncy} and the Board that the s^d messing^r was at no expences dureing the time he staid on this side the Bay being the place where his business lay, but does withall observe as also severall others of the Gentlemen of the Councill that he kept Drunckining up and down & was of very ill and rude behaviour dureing his stay here, and that it was no wonder for him to bring them in such an Acco^t of Expences Considering the Character his brother Vanderbrugh at New Castle bears.

Ordered th^t all the aforementioned Papers together with other matters be gott ready against to-morrow in Ord^r to be laid before the house of Burgesses.

Read part of a letter sent from his Grace the Arch-Bishop of Canterbury and another from the Lord B^p of London unto his Ex^{ncy} the Governour the which were also Ordered to be laid before the house.

Adjourn till to morrow morning.

Saturday Octob^r the 5th 1695.

The Councill again Sate and were

Present

His Ex^{ncy} ff Francis Nicholson Esqr: Cap^t Gen^l &^{ca}

the hon^{rb}le { Coll: Henry Jowles
Coll: Nicholas Greenberry
Coll: Charles Hutchins
Coll: David Browne }

{ Coll: John Addison
Coll: John Courts
Thomas Brook Esqr:
James ffrisby Esqr: }

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Delivered pursuant to order by the Clerk of this board unto Cap^t Thomas Tasker all the papers Yesterday here perused touching the business of New York together with ffour Proclamations issued by his Ex^{ncy} in August last in Order to lay the same before the house for their Consideration.

Adjourn till Munday morning.

Munday, Octob^r the 7th 1695.

The Councill again Sate and were present as on Saturday. New York business again Recommended to the house and that they give some answer to the papers touching the Same now lying before them to witt the Govern^r of New Yorks Letter &^{ca} And withall proposed that they would make up at least so much money in proportion as the Colony of Virginia hath given towards the Defence of that Governm^t

Brought from the house of Burgesses, the following Resolve Viz^t

p. 4 By the house of Burgesses Octob^r the 8th 1695.

Resolved by the house that his Ma^{ty} be further addressed in relation to the assistance to New York required from us thereby Remonstrating our inability therein and our great desire to be discharged from the Royall Commands laid on us.

Munday Octob^r the 14th 1695

In reading Severall Resolves of the house of Delegates and Burgesses in answer to Severall proposalls made to them from this Board, it is observed that they give no answer to that part of a former proposall sent them relating to New York affair, touching the making up so much money in proportion as Virginia hath given towards the defence of that Governm^t therefore proposed that the Act for the Additionall Duty of 3^d p hhd: be continued for that purpose, his Ex^{ncy} being willing to advance money for the Countrey upon Credit thereof (if wanting)

The answer of the House of Burgesses to the foregoing proposall as follows Viz^t

By the house of Burgesses, Octob^r 17th 1695.

Resolved unanimously that if his Ex^{ncy} shall please to advance so much money for the assistance of New York as with what has been already transmitted thither will make up our Quota proportionable to our Neighbouring Colony of

Virginia being 133^{lb} 08^s 07^d the house do hereby Resolve he shall be gratefully refunded the same out of the first money accruing to this Province out of the Publick Revenue of the same.

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Ordered th^t the Committee of Laws prepare a small bill in Compliance of their Ma^{ts} desire for the assistance of New York.

Resolved th^t the Additionall Duty of 3^d p hhd: shall be no longer continued then till the Expiration of the present Act therefore.

Read part of a Letter produced by his Ex^{ncy} from the hon^{ble} John Povey Esqr: one of the Clerks of his ma^{ts} most hon^{ble} Councill Dated the 8 day of June past; Ordered that the same be sent down to the house of Burgesses for their perusall

Produced at the board and Read a Paper of Severall proposalls and quæries offered by his Ex^{ncy} unto the hon^{ble} his ma^{ts} Councill as foll^s Viz^t

(1) That the Law for appeals &^{ca} be inspected and explain'd what Sum^s Writts of Error may be brought for before the Govern^r and Councill and that it be provided therein that the King be not tyed up in any Sum^e from Appealing: and that in the s^d Act it be also provided in Case the Govern^r should be sick or absent or a party Concern'd in any Appeal or Writt of Error before his Ex^{ncy} and Councill depending or hereafter to be brought that then the same be heard and tryed before the Cheif Councillor present and ffour more of the Councill.

p. 5

(2) That the Law be explain'd about skins and ffurrs whether skins brought out of Pensilvania and Shipt here ought not to pay.

(3) That an Imposition be laid upon all Goods brought into this Province and sent for Pensilvania; at least Ten p Cent, or that shall be brought from Virginia going through this Countrey for Pensilvania.

(4) That what money is already Recd: by the Duty upon ffurrs &^{ca} be laid out towards the building a Small Schoole house and maintaining a Schoole Master.

(5) That the Law ag^t exporting raw hides, Deer and Elke Skins be repealed being found prejudiciall, and that a small imposition be laid thereon to be appropriated to the Same vse as the imposition upon ffurrs.

(6) To know whats to be done with the money raised by the exportacōn of ffurrs, skins, porke, and beefe &^{ca}

(7) That a Law be made to keep a Distinct Dockett for the Severall Counties in the provinciall Court and for the apportioning the severall causes to be tryed upon a certain day.

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Journal.

(8) That a Law be made to appoint Audit^{rs} in cases where Audits are required and that they be Ordered to meet upon such Audits upon a certain day prefixed, for which an allowance may be settled upon them, and for non appearance that they be lyable to a ffine.

(9) That no Appraisers upon dead mens Estates be Suffered to buy any of the Goods they so appraise.

(10) That Instructions be given in the Law about the Rangers what they have to do in Case of meeting with Indians, and that one Officer more be Aded to be allowed 700^{lb} of Tobacco p month, so that as one Comes in from Ranging the other may goe out, and that they be obliged to make a great many Cabins up and down the Woods.

(11) That the Rangers may be furnished out of the Dragoons Arms sent for in, at the prime Cost they stand charged at.

(12) That the Law be Confirmed about the Ports, as they are now laid out, and that the bill now referred about Erecting Courts in the same be Considered.

Quære whether the Act for setling the Nav^l Officers ffees &^{ca} made in Govern^r Copleys time ought not to have been repealed upon the making the Act for Tonnage and ascertaining Nav^l Officers ffees.

p. 6 Quærie whether a Clause inserted in the Act for Tonnage made in Govern^r Copleys time touching Ships built in the Countrey ought not to be likewise repealed.

Ordered that the aforegoing proposalls and quaries be laid before the house of Delegates and Burgesses together with the Letters and other papers aforementioned here Read, which accordingly was done

Adjourn till to morrow morning.

Tuesday, Octob^r the 8th 1695.

The Councill again Sate and were present as Yesterday

The following proposalls being also Offered at the Board, were by Ord^r also laid before the house Viz^t

(1) Proposed that the Island at William Stadt be set aside for Publick buildings as a Church, a Schoole, a Court house &^{ca} and a place for publick builders, and that Land be set a side at the Port of Annapolis for Publick builders also, and that the Same be Staked out and bear some prticular Name.

(2) That at William Stadt the parish Church be built within the port and the parish laid out as Convenient as Can be to it.

(3) Proposed whether the ships now in the Countrey or

others that shall Come in, shall be cleared as they are ready, or be Stopt to go under a Convoy in a ffeet, & to advize which will most Conduce to his Ma^{ty} Service. Original
Journal.

(4) That at the port of Annapolis a Lot be laid out for the Minister nigh to the place where the Church is to stand, and that the minister be obliged to Read prayers, twice a day.

(5) It being Represented that there is likely to be a scarcity of Corn in the Countrey this year, it is therefore proposed that an Order pass against the exportation of it.

(6) Proposed that some sort of Remonstrance or Declaration be drawn up by way of advice to Signifye how unadvisedly severall persons of this province have been induced to goe out of the same with their wives and ffamilies; some to the Southward & some to the northward, Viz^t Carolina and Pensilvania being meerly deceived and led into such ffancy through a Common Empty rumour and Report of the great plenty those two places live in, which Reports are Raised by persons travelling from those parts: the Effects of which ffallacy diverse persons have by sad experience tryed, some being known to Returne again from those parts in a poor Condition, and others willing to Return if they Could, but are not able having sold their Estates here and by their removall spent and lost most or all of their Substance, whereby they have incapacitated themselves to make any Return; others have been Ignorantly perswaded and terrifyed out of the province through a Vain and giddy headed notion and noise of Great and heavy taxes of a hhd: or more a head, Whereas the same Evidently appears a frivolous idle Complaint, not but that they are Something large, through Arrears, Ever since the Revolution, but now hope in God will be Satisfyed this year so that the Leavyes will become as light as they used to be; however the aforegoing matters and reports apparently tend to the disturbance of the peace and quiet of his Ma^{ty} good people here; for prevention of which for the future, it is further proposed that in the s^d Remonstrance it be likewise cautioned that any person hereafter coming from those parts, being discovered to intice away or Encourage any the inhabitants of this province to Remove hence by or through means of the Specious large Character by them given of those parts from whence they Come, such persons shall be lyable (upon Complaint of the same made and proved before a Justice of the Peace) to be committed to prison and answer the Law as a Common disturber or divulger of ffalse News &^{ca} And the like for persons bringing an Evill Report upon the Countrey by maliciously and ffalsely spreading a broad a noise of great taxes, and lastly to sett forth that no persons are hereby hindred or intended to be hindred to re-

Original
Journal. move out of the province to any place, as they shall fancy and like but that they be well advized in the thing before they go about it least they Come to be sorry for their change, when it may prove too late.

Recommended down to the house, by two persons Brick-makers, that they Examine them whether there be any Clay to be found within this port of Annapolis fitt to make bricks.

They accordingly go down and Return again and say that they have passed the Examination of the house and had presented unto them some Samples of Clay got within and near the port the which was liked and approved off.

Then were Offered certain proposalls by the s^d men the which being read were referred to the Consideration of the house of Burgesses.

Adjourn till thursday morning.

Thursday Octob^r the 10th 1695.

The Council again Sate & were present as before.

Read a Letter from the hon^{ble} his Ma^{ts} Councill of the Governm^t of New York together with a Copy of certain propositions of the ffive nations of Indians unto his Ex^{ncy} sent and Directed.

Read a Petition preferred by M^r Attorney Gen^l praying therein that a settlement might be made of his ffees: Ordered that the same together with the aforementioned Letter &^{ca} be laid before the house for their Consideration

p. 8 The aforegoing papers being sent by the Clerk of this board who was also given in Charge to acquaint the house of Delegates and Burgesses that his Ex^{ncy} desires they would walk down towards the Dusk of the Evening for to Drink his Ma^{ts} health at which time he would cause a bone fire to be made for the Joyfull news of his ma^{ts} Success ag^t the ffrench, a Letter whereof by his Ex^{ncy} received had been here Read and was sent for their perusall He Returns and says that he had performed his message and that the house will wait upon his Ex^{ncy} accordingly.

Produced and Read the Committees Return, who were formerly appointed for inspecting the publick Revenue, wherein, the state of Govern^r Copleys Acco^t is set forth &^{ca}

Read afterwards M^r Tench's Exceptions (as adm^r of the s^d Govern Estate) therein craving allowance for Severall other matters; the s^d Report was approved of and Ordered that the s^d Report and paper of Exceptions, together with all other papers touching the s^d Report be sent and laid before the house of Burgesses for their Consideration.

Adjourn till to morrow morning.

ffryday Octobr the 11th 1695.

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Journal.

The Councill again Sate and were present as yesterday.

Came up to the Councill Chamber all the members of the house of Burgesses and Cap^t William Dent in behalf of the rest acquaints the board, how th^t he was given in charge to Signifye that they mett this morning according to Adjournm^t yesterday, and finding the Speaker to have absented himself who was gone home sick, they therefore Came to take his Ex^{ncys} directions about the Same; to which his Ex^{ncy} does say that then they must proceed to Choose a new Speaker, being a thing Presidentiall in England.

They goe down to the house and Return again and present M^r Kenelme Cheseldyne their Speaker, who after having disabled himself, was well approved off, by his Ex^{ncy} and was directed to dispatch wh^{at} business lay before the house.

Came and appeared Cap^t Rich^d Brightwell and Cap^t John Oldton Commanders of the two parties of Rangers, who gave an acco^t of their Ranging this year, his Ex^{ncy} acquainting them of the proposall was made to the house of Burgesses concerning finding another Commander &^{ca} and at the Same time gave them in Charge to go to the house to morrow morning and give an Acco^t of their Ranging to the house, as also acquaint them about the proposall made concerning the Rangers and Signifye to them that you hope they will Cause a Law to be made for th^t purpose. p. 9

Came and appeared M^r Rich^d Beard Surveyo^r of Ann Arrundell County with the Mapp of the port of Annapolis which was perused here.

Read also a certain paper of proposalls by him put in for Encouragem^t of building small Ships and Vessells, the which were approved of; and Ordered to be Carryed by the s^d Beard to be laid before the house of Burgesses.

Came M^r Philemon Hemsley and produced the mapp of the Port of Williamstadt, the which (after perusall here) he in like manner was Ordered to Carry down to the house likewise.

Adjourn till Munday morning.

Munday October the 14th 1695.

The Councill again Sate and were present, as before except Coll: Jowles.

Brought from the house of Delegates and Burgesses severall Resolves upon proposalls made to them from this Board which were Read as followes, Viz^t

By the house of Burgesses, Octobr the 8th 1695.

Vpon reading M^r Poveys Letter in relation to the advancem^t

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Journal.

of Coynes Resolved the Laws already proposed and sent for England is Sufficient, and th^t this house will waite the Returne thereof.

That upon his Ex^{ncies} proposall, that noe appraisers purchase any dec'd Estate by them appraised.

Resolved the Same is Sufficiently provided for by an Act last Sessions.

As to his Ex^{ncies} proposall in relation to the Rangers. Resolved that it be inserted in the Law appointing Rangers that a new Officer be aded to Each party and the pay raised according to proposall, also Resolved such Rangers upon occasion may be Supplied with the dragoons Arms for the publick vse, at prime Cost, according to the proposall. As to the meeting with Enemies or fforreign Indians the house refers them to his Ex^{ncies} Orders and instructions.

p. 10 In answer to his Ex^{ncies} Proposall in Relation to the two Ports of Annapolis and Williamstadt. Resolved a Clause be aded to the Additionall Act to Ports and Towns and a bill being proposed and Read in the house for the advancem^t of Trade in the afs^d Ports was rejected for that within the same ports there are not people enough to serve as Commission^{rs} Juro^{rs} and Officers of such Courts without going into the County for those who should attend the County Court, therefore it is thought burthensome.

Resolved the Committee of Laws inquire concerning the repealing the Law for nav^l Officers ffees made in Govern^r Copleys time.

Ordered the Committee of Laws prepare a bill explaining how the vicinage shall arise in the Tryalls in the provinciall Court.

Resolved that by the Law for regulating Appeals and Writts of Error the King not being therein Named is not bound up from Appealing for any Sum^e; And that Writts of Error shall lye from the Judgm^t of the provinciall Court in all Cases where the debt or principall damage shall exceed Ten thousand pounds of Tobacco.

The proposall relating to ffurrs, Skinns &^{ca} Referred to the Consideration of the Committee of Laws.

A Bill already prepared for imposing a Duty upon European Goods exported according to the proposall.

Resolved the money Raised by the Act for an Imposition upon ffurrs be kept in Banck.

Resolved the Act for Appealing Deer, Elke Skins, and raw hides be Repealed.

Ordered the Committee of Laws prepare a bill that the Clerk of the Provinciall Court shall keep a Distinct Dockett for each County business As to the proposall relating to Auditts.

Resolved the provinciall Court make such necessary Ord^{rs} therein as the Case shall require. Also Resolved the Severall Courts of Common Law within this province make rules for the Speedy determining those Actions where merch^{ts} are Suit^{rs} Original
Journal.

In Relation to New York ; Resolved no Agent be sent for England.

Ordered the Committee of Laws inspect the Act ffor Nav^l Offic^{rs} ffees; & take Care to explaine what Security shall be given by Masters of open Vessells upon taking out their permitts and what ffees the offic^{rs} shall Receive that Grant the Same and that a penalty be therein imposed upon such Officer as shall Exact more ffees than allowed by the said Act. p. 11

Ordered th^t for the Encouragem^t of those persons that have or shall build Ships or other Vessells within this province being inhabitants within the Same; The Act for the Imposition of ffour pence p Gallon be amended according to the Resolve of this house in March last.

Ordered the Publick Treasurers of this Province produce their Acco^{ts} to this house on Tuseday next.

Ordered the Committee of Laws prepare a bill for Releife of those p^{rs}ons that have paid the Countrey Dues and Shipt of Tob^o which hath been taken or otherwise perished at Sea.

Ordered Thomas Tench Esq^r Adm^{tr} of his Ex^{ncy} Govern^r Copley decd: appear before the house on Tuseday next to Render an Acco^t of 70000^{lb} of Tob^o Supposed to be lodged in Govern^r Copleys hand by the Gen^l Assembly of this province in may 1692.

Ordered Coll: Herman acquaint Maj^r Hamond and Cap^t Hill how farr he hath proceeded towards Erecting and ffinishing the New Court house who are to Report the Same to his Ex^{ncy} and the hon^{rble} Councill.

Resolved a Bill be prepared to Confirm the persons Titles who have taken up lots in Towns and built thereon according to fformer Acts of Assembly.

Munday October the 14th 1695.

Resolved because of the Uncertainty of the Arrivall of the ffleet, the Ships now in the Countrey when full may be cleared as his Ex^{ncy} shall think fit.

Resolved Nemine contradicente that his Ex^{ncy} be desired to issue his Proclamation against the Exportation of Corn.

Resolved the Commission^{rs} of the Port of Annapolis lay out a Lot for the Minist^r according to proposall.

That his Ex^{ncy} would be pleased to issue Proclamation Signifying that all persons that shall vse such illegall and false

Original Journal. Specious Allurem^{ts} to intice the inhabitants out of this province shall be proceeded against according to the rigour of Law.

W Bladen Cl Assembly.

Tuesday October 15th 1695.

The Councill again Sate & were p^rsent as yesterday with the Addition of the hon^{ble} Coll Henry Jowles

p. 12 The Resolves yesterday read were Assented to by his Ex^{ncy} & Councill except such observations taken notice off in the following proposalls this day laid before the house, Viz^t

(1) Proposed that Seeing the house does not agree to Send an Agent for England touching New York business, that they Write to the hon^{ble} John Povey Esqr: and S^r Thomas Laurence Barron^t to Say what they think fitt in the Matt:

(2) That they write an Answer to the Govern^r and Councills Letters of New York and th^t a member of the house be Sent therewith to Inform them how matters are; his Ex^{ncy} imagining that the Charge will not be very great he having also kept M^r Perry the Post for to wait upon the person th^t shall be Sent.

(3) That his Ex^{ncy} is also willing and ready to lend the Countrey money upon the Same Credit of the 3^d p^p hhd: for the gratifying the R^t hon^{ble} W^m Blathwaite and John Povey Esqr for their Services done for the Countrey.

(4) That the house write an Answer to his Grace the Arch Bishop of Canterbury's Letter and return him thanks for his Patronage of their Schools as also another to the Lord Bishop of London and return him thanks for the Suffragan Bishop and Mission of Ministers he hath promised to send in.

(5) That to the proposall touching his Ex^{ncys} Sickness absence or being a party concern'd in Appeales and Writs of Error to be brought before the Govern^r and Councill, the house has made no Answer.

(6) That Some Order pass about taking up of Lots within the port of Annapolis, pursuant to a late Order of Councill to that Effect now lying before the house.

(7) That upon Repeal of the Act for Deer, Elke Skins and Raw hides Some Small Duty be put upon the Same, when Exported, to be appropriated to the Vses as by the Act for Exportation of ffurrs & Skins is prescribed.

(8) The Resolve of the house touching John Norwood, this Board doth not think fit shall stand, he having built a house upon Land reserved for Publick builders in opposition to the Act of Assembly of this province.

(9) That when the house have Compiled such a Body of Laws as they think may be the Standing body of Laws of the Province that they then imploy Some able Lawyer in England to digest them and put them into better Language, and So have them returned in again for perusall and approbation of the whole Assembly & afterwards to Send them back in Ord^r to procure the Royall Assent to the Same and have them printed.

Original
Journal.

(10) The Order of the house to the Committee of Laws Sent for prepareing a bill for the Releife of those persons that have paid the Countrey dues & Shipt of Tob^o which hath been taken or otherwise perished at Sea ; it being a matter touching the Revenue will not be assented to but by a Supplicatory Act to be first laid before his Sacred Ma^{ty} for that purpose.

His Ex^{ncy} having for the Satisfaction of the house Sent a Coppy of an Instruction relating thereto as follows, Viz^t

One of his Ma^{ty} Royall Instructions.

You are particularly not to pass any Law or do any Act by Grant Settle^m^t or otherwise whereby our Revenue may be lessened or impair'd without our Speciall leave or Command therein.

Brought from the house of Burgesses and Delegates by Cap^t Tasker Maj^r Maxwell M^r fferry and the following bills, Viz^t

An Act for Appeals & Regulating Writts of Error read first time & will pass with amendm^t

An Act for the Laying an Imposition on Severall Commodities exported out of this province, Read first time and will pass wth amendm^t,

An Act for appointing Rangers for the defence of this province Read and passed first time without alteration.

An Act imposing the Duty of Ten p Cent upon all European Goods exported out of this province, Read first time and will pass with amendm^t

An Act for the regulating the proceedings of the provinciall Court and lessening the Charge of Evidences attendance, read first time and will pass with amendm^t

The hon^{ble} Coll John Addison Sent down to the house to inform them concerning a Complaint made by the Empero^r of Piscattaway, touching his young men, that he cannot Rule them.

The aforementioned Severall bills were by Ord^r returned

Original Journal. unto the house together with the hon^{ble} his ma^{ts} Councils
Remarks upon the Same for amendm^{ts} &^{ca} By the hon^{ble} Coll:
Greenberry Coll: Hutchins, Coll: Brown and M^r ffrisby.
Adjourn till to morrow morning.

Wednesday, October the 16th 1695.

p. 14 The Councill again Sate and were p^rsent as yesterday,
Brought from the house of Burgesses and Delegates by
Cap^t Hill, Maj^r Hamond, M^r Saunders, & Coll: Peirce these
following bills Viz^t

An Act for Imposition of four pence p Gallon upon Liquors
imported into this province, Read first time and will pass with
amendm^t

An Act for Secureing Severall persons Rights to Town
Land Read first time and passed without alteration.

The said bills were Sent down to the house by the hon^{ble}
Coll: Jowles Coll: Addison, Coll: Courts, and M^r Brooks being
instructed to acquaint the house what amendm^{ts} in the s^d bills
are required.

Sent also by them the house of Burgesses Address to his
Sacred Ma^{ty} being perused here and brought from the house
by the messingers who came with the aforementioned Bills
and was approved off with this Recommendation that in the
beginning thereof they take notice to congratulate his ma^{ty} for
his good Success ag^t the Common Enemie the ffrench.

Adjourn till to morrow morning.

Thursday Octob^r the 17th 1695.

The Councill again Sate and were present as Yesterday.
Brought from the house of Burgesses by Maj^r Hamond
and Cap^t Hill the following Message, Viz^t

By the house of Burgesses, Octob^r 17th 1695.

The house taking into Consideration the Message from
yo^r Ex^{ncy} & the hon^{ble} Councill Sent on Tuesday last by the
hon^{ble} Coll: John Addison touching the Empero^r of Piscatta-
way's complaint; desire and intreat your Ex^{ncy} out of yo^r
wonted Care for his Ma^{ts} Service and the good of this prov-
ince that you would be pleased to Examine into the Same and
give such Ord^{rs} & directions therein as to your Ex^{ncy} in your
Wisdom shall Seem meet.

Signed p Ord^r W Bladen Cl Assembly.

Ordered that the Gentⁿ of the Councill living nearest to the s^d Indians go and discourse them and withall acquaint them that they must be Obedient to their Empero^r and Articles of peace and to give the Empero^r notice for to Warn his men that they may be got together within this fortnight or three Weeks; his Ex^{ncy} being Designed to Come to them himself in person; and further that the Gentlemen would inform themselves what objections the s^d Indians have ag^t their Empero^r.

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Journal.

Proposed that the Church at mount Calvert be fitted to serve as well for a Court house as Church, and so in all other places where the Same can conveniently be done, and that an Ord^r of the house pass for the Same. p. 15

Proposed that Some Ord^r of the house pass to Effect the Seating of the Indian Land lying betwixt Pomunky and Mattawoman in Charles County Petition of Severall of the inhabitants of the port of Annapolis read & Referred to the Consideration of the house of Burgesses.

The aforegoing proposalls & Petitions were delivered to Coll: W^m Peirce one of the members of the house, by the Clerk of this Board in Ord^r to be communicated to the house of Burgesses.

Produced and Read a rough draught of a Proclamation touching persons inticed out of the Province; Ordered to be Sent down to the house of Burgesses for their perusall.

Octob^r the 18th 1695.

The Councill again Sate and were all p^rsent except Coll Courts and M^r Brooks.

Brought from the house of Burgesses Severall Resolves which were Read as follows Viz^t

By the house of Burgesses, October the 17th 1695.

Resolved M^r Briscoes papers relating to the publick Revenue be Entered upon the Journall of the house of Burgesses and then delivered to M^r Sam^l Watkins the present Nav^l Officer of Petuxent District, who is to Collect the Same.

Resolved a bill be prepared for the naturalization of Michaell Curtis.

Resolved Maj^r Edw^d Dorsey be allowed for defraying his Expenses as a Commission^r in Chancery dureing his Sitting in the s^d Court equall with the dayly allowance to the Burgesses of Assembly.

Upon reading the Ord^r of Councill of the 17th of August 1695 ab^t Seating the Indian Land; the consideration thereof

Original is referred to the next sessions of Assembly and his Ex^{ncy} and
Journal. and the hon^{ble} his Ma^{ts} Councill are desired to take such
means in the interim Effect the Same as to their wisdoms shall
seem meet, having Reguard that no Offence be given to the
Indians. Upon reading the Ord^r of Councill of the 14th of
p. 16 August 1695, that the Church at mount Calvert should Serve
both for a Church and County Court house, The house con-
curr therewith & Ord^r the same.

Also it being represented by the Burgesses of Dorchester
County that the Court house at Cambridge Stands convenient
for a Church in the parish it is built in; Ordered it be Used
for that End also.

As to other places not knowing them to be under the same
circumstances we cannot determine.

Resolved M^r Robert Mason be publick Treasurer for the
western Shore.

Resolved Maj^r Tho^s Smithson be publick Treasurer for the
Eastern Shore.

Resolved if his Ex^{ncys} Agent shall pay Esqr Blathwaite ffifty
Guineys and M^r Povey ffifty pound his Ex^{ncy} shall be gratefully
reimbursed out of the publick Revenue of this province.

Assented to by his Ex^{ncy} } W Bladen Cl Assembly.
and Councill }

Hen: Denton Cl Concil.

Proposed that in all the parishes where there is no Minister
and where Churches are already built, that the Vestrys of
Such parishes lay out what Tob^o of the forty pound of Tobacco
p poll they shall Collect or Shall be remaining after Churches
built for & towards building Chappells of Ease in the most
Convenient place or places of the s^d Severall parishes, and if
in case any of the Said Vestrys of Such parishes afores^d do not
dispose of the Tobacco collectable or which will be remaining
in their hands this year, that they lay the Same out either for
ready Goods or bills of Exchange this year Tobacco being
likely to be a good Commodity, and that this may pass into
an Ordinance.

Brought from the house of Burgesses by Maj^r Hamond Cap^t
Bayne, Maj^r Dorsey, Coll: Hanson, M^r Hawkins and M^r Scar-
borough, these following bills, viz^t

An Act for the paym^t of 333^{lb} 6^s 8^d towards the maintaining
of his Ma^{ts} forces at New York and will pass with Some Small
amendm^t

An Act for the Imposition of ffour pence p Gallon upon
Lyquors imported into this province Read Second time and
passed the amendm^{ts} proposed being agreed to.

An Act for the Regulating the proceedings of the provinciall

Court & lessening the Charge of Evidences attendance, read Second time and passed the amendm^{ts} proposed being agreed to. Original Journal. p. 17

An Act for the Laying an Imposition on Severall Commodities exported out of this province, Read Second time and passed the amendment proposed being agreed to.

An Act for appointing Rangers for the Defence of this Province Read and Passed the second time without alteration.

An Act imposing a Duty of Ten p Cent upon all European Goods Exported out of this province &^{ca} Read Second time and passed the amendments, proposed being Agreed to.

An Act for Appeals and Regulating Writts of Error, read Second time and passed the amendments, proposed being Agreed to.

An Act for the naturalization of Michall Curtis and others Read and passed without alteration.

An Act for Reviving the temporary Laws of this province, Read and passed without Alteration.

The aforegoing proposall touching building of Churches and the 40^{lb} of Tob^o p poll together with the Petition of Alexander fforbus praying to be Naturalized (here Read) as also the bill for the paym^t of 333^{lb} 6^s 8^d &^{ca} were Sent down to the house of Burgesses by the hon^{ble} Coll: Henry Jowles and Coll: Nich^o Greenbury being given in Charge to Signifye to the house the amendm^t in the s^d Bill proposed.

They Return and Say they delivered the s^d papers and that the amendment in the said bill proposed was agreed to.

Adjourn till to Morrow Morning

Octob^r the 19th 1695.

The Councill again Sate and were
Present

His Ex ^{ncy} ffrancis Nicholson Esqr Cap ^t Gen ^{ll} & ^{ca}	
Coll: Henry Jowles	} Coll: John Courts Thomas Brook Esqr James ffrisby Esqr
Coll: Nich ^o Greenberry	
Coll: Charles Hutchins	
Coll: David Browne	

Brought a message from the house of Burgesses by M^r Watson and Cap^t Bayne, who presented to the board the following papers viz^t

The proposall touching the building of Churches and the 40^l p. 18
poll: the which was indorsed thus, viz^t

By the house of Burgesses, October the 19th 1695.

Assented to by the house of Burgesses.

W Bladen Cl. Assembly.

Original Journal. An Act for Securing Severall persons Rights to Town Lands Read Second time and passed without Alteration.

The Petition of Philip Lynes and Severall other persons preferred to the house of Burgesses, therein praying that the house would be pleased to Recommend their Condition unto his Ex^{ncy} touching their Engagem^{ts} passed unto his Ma^{ty} for Severall Masters of Ships for their due Compliance with the Acts of Trade and Navigation their bonds being now prosecuted at Law ; the s^d Petition came thus indorsed, viz^t

By the house of Burgesses October the 14th 1695.

Vpon reading the within petition the house do concurr & desire his Ex^{ncy} will be pleased to give directions that Some Stop be put to the proceedings ag^t the Peticon^{rs} until Such time as advice may arrive from England, And that the Sherriffs exact no other Bayle for their appearance more than their own Bonds.

Signed p Ord^r
W Bladen Cl Assembly.

By his Ex^{ncy} the Govern^r &^{ca}

October the 19th 1695.

As to giving further time his Ex^{ncy} has given directions to the Att^r Gen^l to grant longer time but withall does advize that the severall persons Concern'd Send by the first Ships that go; and as for the the Sheriffs taking no other Bayle then the parties own appearance, his Ex^{ncy} doth not think fit to make any Ord^r therein whereby as the Case may happen, it may be an Order ag^t Law.

Signed p Ord^r
Hen: Denton Cl. Concil.

The Severall bills here Yesterday Read and Assented to were Sent back to the house of Burgesses by the hon^{ble} Coll Hutchins Coll Brown and M^r ffrisby.

They return and say they delivered the Same accordingly & bring from the house the following papers, viz^t

By the house of Burgesses October the 19th 1695.

Resolved this house will not write any Answer to the Govern^r of New Yorks Letter nor send any one of the house thither, but th^t his Ex^{ncy} be pleased to send M^r Perry the post to New York.

W Bladen Cl. Assembly.

By the house of Burgesses, October the 19th 1695.

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The Report of the Committee appointed to State the Publick Revenues in May 1695, And the Addressing his Ma^{ty} that the quarter part of the Same due from Govern^r Copleys Estate may be appropriated to the defraying the necessary Charge of this province is referred to the Consideration of the next Sessions of Assembly.

W Bladen Cl. Assembly.

Came from the house of Burgesses Cap^t Tasker, Maj^r Maxwell and M^r fferry, who acquaint his Ex^{ncy} and the board that they were sent from the house to Signifye that they were Adjourn'd for an hour, but if his Ex^{ncy} had any Present Service to Command them, M^r Speaker would Cause the house to meet sooner by beat of Drum.

His Ex^{ncy} was pleased to give Ord^r and recommend to the severall Gentlemen of the Councill that they would be diligent in Seeing all the Laws (formerly made and now to be passed) duly put in Execution, and also Demanded to know what time would be best to prorogue the house to, telling them that he does believe Some time in March next may be best, So that if in Case there should be no absolute necessity for their meeting at that time they may be further prorogued by Proclamation at the Councill to be held in ffeb^{ry} next, and Ordered that the Councill meet the last Tuseday in ffeb^{ry} next accordingly, And that the Assembly be at present prorogued until the 20th day of March next.

Ordered that the Tobacco in this Publick Leavy allowed to the Gent^a of the Councill and to the Rangers, be allotted and paid them in the Same Counties where they actually Reside and inhabit.

His Ex^{ncy} is pleased to give Ord^r to the Gentlemen of the Councill that they would acquaint the people of the Counties where they live not to be ffrightened with vain idle Reports of great and heavy Taxes nor be deluded or perswaded out of the province with ridiculous ffoolish Stores.

His Ex^{ncy} does lastly propose to the Gentlemen of the Councill for to Signifye to the Vestrys of the Severall parishes where they live that they dispose of the 40^{lb} Tob^o p poll pursuant to the p^rsent Ordinance of Assembly, and that the Same be recommended to the Severall members of the house of Burgesses.

M^r Speaker Comes up to the Councill Chamber attended p. 20 with the Severall members of the house, & presents the following bills for his Ex^{ncys} Assent, Viz^t

An Act for Regulating the proceedings of the provinciall Court and lessening the Charge of Evidences attendance.

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An Act for Appeals and regulating Writts of Error.

An Act for Imposition of 4^s p Gallon upon Lyquors imported into this province.

An Act for secureing Severall persons Rights to Town Land.

An Act imposing the Duty of Ten p Cent upon all European goods exported out of this province &^{ca}

An Act for the appointing Rangers for the defence of this province.

An Act for the Naturalization of Michael Curtis & others.

An Act for the payment of 333^{lb} 06^s 08^d towards the maintaining his Ma^{ty} fforges at New York.

An Act for Reviving the temporary Laws of this province.

An Act for paying and Assessing the Publick Levy of this province, The w^{ch} s^d Severall Bills being again Carefully perused & inspected his Ex^{ncy} was pleased to Sign the Same with this indorsement Viz^tOn behalfe of his Ma^{ty} King W^m the Third; I will these to be Laws.

Afterwards the s^d Laws passed the broad Seal in presence of his Ex^{ncy} and Councill and the whole house; and thereupon his Ex^{ncy} was pleased (in his Ma^{ty} name) to Return the house thanks for their Care and paines bestowed in the making those and the other Laws, Since his Arrivall recommending unto them the due observation as well of those as all other the good Laws of this province now in force, and all Ord^{rs} and Ordinances now passed and that such as were magistrates among them would see the Same put in Execution without which the making Laws would prove in Effectuall and Useless; Lastly his Ex^{ncy} does recommend to them in gen^l that they would Signifie to the inhabitants of the severall Counties where they live, that they Should not any ways be disheartned or discouraged through the rumour and noise of heavy taxes, and to perswade them from their folly and unadvisedness in leaving the Countrey upon or any other side idle rumours and stories.

Produced and Read an Address to his Sacred Ma^{ty} in relation to New York affair the which was Signed by the Severall members of his Ma^{ty} hon^{ble} Councill and house of Burgesses.

Then his Ex^{ncy} was pleased to acquaint them that he had Considered with his Councill to Prorogue them untill the 20th day of March next but if in Case there should be no absolute necessity for their meeting at that time he would by his Proclamation in ffeb^{ry} next give them notice thereof and further prorogue them and the Assembly was accordingly prorogued untill the 20th day of March next.

So Ended this Sessions of Assembly.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

*At a Session held at Annapolis,
Oct. 3-19, 1695.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

FRANCIS NICHOLSON,
Governor.

THE LOWER HOUSE.

Maryland ss.

Journall of the House
of
Assembly 3^d Octob 1695.

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Whereas the General Assembly of this province upon the twenty second Day of May last was by his Ex^{ncy} Francis Nicholson Esq^r his Ma^{ty}s Cap^t Gen^{ll} and Gov^r in Chief of this province prorogued until the tenth day of September following, yet upon further Consid^racōn his Ex^{cy} thought fit further to prorogue them, and to that End issued his proclamation bearing Date the 19th Day of Aug^t last past whereby the said Gen^{ll} Assembly stood further prorogued untill Wednesday being the second Day of Octob: instant At which Day he willed and required thereby that they should convene themselves at the port of Annapolis in An Arundell County then and there to do and consent to such things then as by the favor of Almighty God should happen to be ordeyned and enacted for the Good and Welfare of this Province. But before that the s^d Gen^{ll} Assembly did convene themselves as af^d His Ma^{ty} sent his Writt of prorogation unto them directed as followeth.

William the third by the Grace of God of England Scotland France and Ireland King Defend^r of the ffaith &c To our Councillors the Delegates and Rep^rsentatives of the Severall County's of our Province of Maryland Greeting, Whereas upon the 22^d Day of May last past We thought fitt to prorogue ye untill the tenth day of September last; yet upon further Consid^racōn We thought fitt and expedient for the Good and Welfare of this province and the good people thereof by our proclamation bearing Date the 19th day of Aug^t last further to prorogue ye untill the second of Octob. instant At which tyme We comāded the Sev^rall and respective Sherriiffs of the Sev^rall County's of our said province to give Notice unto all and every of you that you should convene yourselves at the port of Annapolis upon the 2^d Day last mentioned then & there to do & consent to such things as should by the favor of Almighty God happen to be done and enacted for the good and Welfare of this province Now Know ye that for divers weighty Reasons us thereunto moving we have

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thought fitt and do by these p'sents further prorogue ye untill the Day after the Date thereof at which tyme and att the place af^d We will and require you that you convene your Selfes to the End af^d Witness Ourselves in our high Court of Chancery at the port of Annapolis the 2^d day of Octob: in the 7th year of our Raign &c.

Annoq. Dni 1695

ffr. Nicholson

In Obedience whereto Upon

Thursday the 3^d of Octob: 1695,

Appeared in the house the following Members Viz^t for S^t Mary's City M^r John Watson Cap^t Tho^s Waughob, S^t Mary's County M^r Kenelm Chesseldyn M^r Robert Mason M^r Philip Clarke, Kent County Col: Hans Hanson Col: John Henson Maj^r Tho: Smith Ann Arundell County Major John Hamond, M^r James Saunders Major Edw^d Dorsey, Calvert County M^r George Lingham Charles County M^r Henry Hawkins Major James Smalwood Cap^t Willm Dent M^r Willm Hutchison Baltimore County M^r Francis Watkins M^r Jn^o fferry Talbott County M^r Rob^t Smith Major Tho^s Smithson for Cæcill County Col: Willm Peirce & Col: S^t Leidger Codd.

M^r Speaker having taken the Chaire

Resolved in the house that M^r Speaker issue his warr^{ts} to to the hon^{ble} S^r Tho^s Laurence Bar^t his Ma^{ty} Secretary of this Province thereby requiring him to issue out his Ma^{ty}s Writts to the Sherrifs of Talbot & Somsett Countyes for electing of the Delegates or Representatives of the af^d Countys in the stead and Room of Col: Henry Coursey deceased and Major Willm Whittington now Sherrif of Somset County.

Which was accordingly done and the house Adjourned until two of the Clock on Saturday next

Saturday Octob: 5th 1695.

The house mett and ordered to be called over were absent M^r William ffrisby M^r ffancis Hutchins M^r Edw^d Boothby M^r p. 3 Nicholas Low M^r Mathew Scarborough & M^r Tho^s Hicks.

Then read two Lrēs from M^r Willm ffrisby & M^r Henry Hooper Signifying that they were so far indisposed in their healths that at p'sent they cannot possibly attend the house

Upon which they are excused.

Comittee of Agrievances appointed.

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Major Thomas Smith } Col: Willm Peirce }
Col. Hans Hanson } Major Tho^s Ennalls }

Then appointed of the Comittee of Accompts.

M^r Rob^t Mason M^r Tho^s Smith M^r George Lingham M^r
Francis Watkins M^r Tho^s Greenfield.

Also appointed of the Comittee of Laws.

Cap^t Willm Dent M^r Edw^d Boothby }
Major John Thompson & Col. S^t Liedger Codd }

The house adjourned till Munday morning at eight of the
Clock.

Munday Octob: 7th 1695

The house mett and ordered to be called over and the
following Members were absent Viz^t

Col: John Hinson M^r W^m Frisby M^r James Saunders Cap^t
Rich^d Hill M^r Francis Hutchins Cap^t Willm Dent M^r Willm
Hutchison M^r Nicholas Low M^r Henry Hooper M^r Tho^s Hick's
and Colonel Willm Peirce.

Then read in the house his Ex^{cy} the Gov^{rs} Instructions to
Thomas Tasker Esq^r in Relation to his going to New Yorke.

His Ex^{cy} the Gov^{rs} Letter to his Ex^{cy} the Gov^r of New Yorke.

The Governor of New York's Lrē in answer thereunto.

The said M^r Taskers Reporte to the house.

5th His Acc^t of the Bills of Exchange arrising upon the
Additional Impost of 3^d p hogshead how disposed of and
assigned, and Chidley Brooke Esq^r Receiver Gen^l of New
Yorke Receipt for the same amounting to the Sum^e of 199^{lb}
18^s 1^d being transmitted from this province for his Ma^{ty}s Ser-
vice and the Assistance of New Yorke.

6. His Ex^{cy} S^r Edmond Andross Governor of Virginia his
Letter to his Ex^{cy} the Governor of New Yorke Signifying the
Compliance of that Colony to her late Ma^{ty}s Royall Comānds.

Cap^t William Dent enters the house.

His Grace the Arch Bishop of Canterbury^s Letter to his
Ex^{ncy} read in the house.

His Lordp my Lord Bishop of Londons Letter to his Ex^{cy}
read in the house.

Resolved that a Bill be prepared imposing a Duty upon all
European Goods exported out of this province into Pensilvania
or Territoryes thereof that the same Duty be 10 p Cent to be
paid by the Exporters the Inhabitants of this province to be

Original Journal. exempted from paying the same Duty, and to make Oath to their property in the Goods upon Exportation.

The House adjourned untill three of the Clock
Post Meridiem

The house mett and adjourned untill 7 of the Clock to-morrow morning.

Tuesday Octob the 8th 1695.

The house mett and upon calling over these Members were absent M^r Watson Col: Hinson M^r Frisby M^r Saunders M^r Greenfield M^r Hutchins M^r Hutchison, M^r Lowe M^r Hooper M^r Hicks and Colonel S^t Liedger Codd.

Then read over what was done Yesterday.

Severall proposalls from his Ex^{cy} the Governor and the hon^{ble} his Ma^{ty}s Councill being layd before this house for their Consid^racon Debated and resolved upon them as followeth, Viz^t

Imp^rs His Ex^{cy} reco^mends to the house that they would seriously Consider what is to be done in relation to New Yorke, and that they make up so much money at least as will be proportionable to what our neighbouring Colony of Virginia hath contributed.

Upon which put to the Question if his Ma^{ty} shall be further addressed or the Country be Silent. Carried by majority of voices that a further Address be prepared

John Povey Esq^r his Lr^e being read in the house as to that part relating to Advancement^t of Coyns.

p. 5 Resolved that the Law already proposed and sent for England is Sufficent and that the house will wayt the Return thereof.

That no Appraisers be Suffered to purchase any dead mans Estate by them appraised.

Resolved that the same is provided for by an Act last Sessions of Assembly.

That Instructions may be given in the Law about Rangers that they may know what to do in case they meet any forraign Indians or Enimys, that a Officer be added to each party so that there may be two partyes consisting of an Officer and three Troopers, who are to relieve one the other Weekly and be enjoyned to cut down Bowes and build Cabbins to amuse the Enimys and forraign Indians. that the Comanders pay be raised one hundred pounds of tob p month, and the Co^mander to be now appointed have the like. And that the Rangers be Supplied upon Occasion with the Draggons Arms to be sent from England for the publique service at the prime Cost.

Resolved that it be incerted in the Law for Rangers that a new Officer be added & the pay raised according to the proposall. And resolved upon Occasion that the Rangers may be furnished out of such Arms at the prime Cost.

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As to the meeting of Enemy's or forraign Indians the house refers them to his Ex^{cys} ord^{rs} and directions therein.

That the two ports of Annapolis and W^m Stad^t may be encouraged that a Court may be erected in them for the Dispatch of Merch^{ts} Suiters, and that the Land at Willm Stad^t may be again layd out, and that 200 Acre be valued & paid for by the publike or County and allotted for the publike use, and that the Island be reserved for publike buildings.

Ordered that the Land at William Stad^t be again layd out & two hundred Acres of land next adjacent be Valued by a Jury and purchased for a town and Comon, and that the Island be set apart for publike Buildings.

Also read in the house a Bill for the Advancem^t of Trade in the two ports of Annapolis and William Stad^t the Contents whereof being for constituting such Co^{rts} as proposed.

The house thinke fitt to reject the same for that within the p. 6 said ports there are not people enough to be had to serve as Com^{rs} Jurymen and other Officers without going into Suite for such whose busieness is to attend the County Courts, and therefore the same is thought burthensome.

That the house would Quere whether the Act made in Gou^r Copleys tyme for Navall Officers ffees ought not to be repealed & especially that Clause relating to Shipps built in the Country.

Resolved that the Com^{itte}e of Laws inquire thereunto

That the house would take into Consid^acon upon tryalls in the provinciall Co^rt where the Vicinage shall arise that they would inspect the Act relating thereto and propose Some Salvo to it.

Referred to the Consid^acon of a full house on thursday next.

That the Law for Regulating Appeals and writts of Error be explyned, that the King be not bound up thereby from Appealing for any Sume, And that in Case the Governo^r be sick or a party on any Appeale the same may be heard before the Chief Chancellor and 4 more

Tis the Opinion of this house that the King is not thereby debarred from appealing for any Sume whatever.

And that his Ex^{cy} by Com^{con} and the Great Seale may in such cases proposed provide for the hearing of Appeals before such Chief Councillor and four more.

Also resolved by the house that if the principall Debt or Damadge shall amount to or exceed the Sume of 10000^l tob

Original Journal. that in such Cases Writts of Error shall ly from the Judgem^t of the provincially Court

That the Law be explaind about ffurrs whether ffurrs and skinns exported out of Pensilvania into this Province upon being again exported shall not pay dutys as others.

Referred to the Consid^racōn of the Comītee of Laws.

That an Imposition be layd upon European Goods imported into this Province upon the exporting the same into pensilvania or else where, the Inhabitants of this province making Oath to their property in them before such exportation to be exempted from the said Duty

A Bill already ord^d to be p^rpared therefore

p. 7 What shall be done with the money already levyed by the Act for the Imposition upon ffurrs and other Comoditys exported.

Whether it will not be convenient to expend the same in building a Small School and maynteyning a School Ma^r

Resolved that the money thereby raised be kept in Bancke.

That the house would take into Consid^racōn the Repealing of the Act ag^t the Exportacōn of Deer Elke Skinns and Raw Hides and that a Small Imposition to of ffree Schools may be layd thereon.

Resolved the said Act be repealed.

That a law be made for keeping a Distinct Docquett in the provincially Court of euery Countys busieness and for ascertayning Days for the Tryalls of each County.

Ordered that the Comītee of Laws prepare such a Bill.

That a law be made to appoint Auditors in every County and to Settle a ffee upon such auditing and upon their failing a penalty to be inflicted.

Resolved that the provincially Court make such necessary Ord^{rs} therein as the Case requires. Also resolved that the sev^rall Courts of Comōn Law within this Province make Rules for the Speedy bringing to tryall of those Actions wherein Merch^{ts} are Suitors.

Major Willm Whittington enters the House.

Ordered the s^d Major Whittington render his Acc^t to the House as he is Treasurer for the Eastern Shoare

The house adjourns till to morrow morning at 7 a Clock

Wednesday Octob: the 9th 1695.

House mett and adjourned untill 7 of the Clock to morrow morning.

Thursday Octob: the 10th 1695.

The house met and upon calling over the following Mem-

bers were absent, Col. Hinson M^r Willm ffrisby M^r Francis
Hutchins M^r Hutchison M^r Lowe M^r Hooper and M^r Hicks. Original
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Then was read over the Journall & proceedings of this Sessions M^r John Pollard added to the Co^mittee of Accompts.

An Act imposing a Duty of ten p Cent on all European Goods exported out of this Province read the first tyme and co^mitted for Amendment

The house taking into Consid^racōn that his Ex^{cy} had p. 8
reco^mended unto them that they should inspect the Law relating to the impannelling of Jurors and ascertain where the Vicinage shall arise in tryall in the provintiall Court.

Resolved the Co^mittee of Laws prepare a temporary Bill according to the proposall.

Debated whether an Agent shall be sent for England to remonstrate the Circumstances of this province in Relation to the Assistance to be given New Yorke by this province.

Resolved that no Agent be Sent

The House adjourned till to morrow morning at 7 of the Clock

Fryday Octob: the 11th 1695.

Robert Smith Esq^r Speaker of this House being very sick and indisposed, and therefore having absented himselfe from the house the Members of the house went up to his Ex^{cy} to receive his Directions thêreupon, who ordered them to repaire to the house and make Choice of some other Speaker in his Stead & place.

Whereupon the Members repaired to the house & chose Kenelm Cheseldyn Esq^r for their Speaker and then went up and presented him to his Ex^{cy} who approved of their Choice, For which M^r Speaker and the rest of the members returned his Ex^{cy} their hearty thank's. And then M^r Speaker and the rest of the Members repaired again to the House where M^r Speaker having taken the Chaire ordered the house to be called over, and the following Members were absent Viz^t Col: Hinson M^r Frisby M^r Hutchins Cap^t Dent M^r Hutchison M^r Robert Smith M^r Lowe M^r Hooper M^r Hicks Colonel Herman and Colonel Codd.

Then read over what was done Yesterday.

Major Thomas Smithson Chairman of the Co^mittee of Agrievances presents the following Report.

By the Co^mittee of Agrievances &c.

That whereas the Co^mittee Supposes it was the intent of the Assembly held at S^t Mary's the 21st of Sept^r 1694 that all Ma^{rs} of Shallops and open Sloopes trading within this province

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should take out but one pmitt in a year, which for that year should be Sufficient and for that pmitt should pay only two shillings and six pence now the said Committee having pused that Act do find indeed that such Ma^r by that Act is only obliged to pay two shill: and six pence p annum to the Officer but do not find that his first pmitt is Sufficient for him for one year, but that he must take out pmitts upon every Sev^rall Voyage or otherwise he is not secure, which being contrary to the design of the House (as this Committee conceives) We represent it as an Agrievance, And further that though the Ma^r be changed, Yett that one and the same pmitt may serve for twelve months if it be the same Vessell.

Upon perusall whereof ordered that the Committee of Laws inspect the Act for Navall Officers ffees and make such provision therein as will answer the Report, and take Care to explain what security shall be given by Ma^{rs} of open Vessells upon taking out their permitts and what ffees the Officers granting them shall have therefore and also impose a penalty upon the Officer exacting more ffees then allowed by the said Act

2. And for the Encouragem^t of all such p^{rs}ons as have built any Shippes or Vessells since the Assembly held at S^t Mary's the 21st of September 1694 within this province, As also for all such persons as shall from hence forward build any Shippes or Vessells within the province af^d shall be free and clear from paying any Duty impost or Custome for any Liquors imported into this province Liquors from pensilvania East & West Jersey only excepted.

The above Report Referred untill to morrow morning at which tyme the Vote upon ffeb^{ry} Journall and the abovesd Act are to be layd before the house for their further Consideracon.

By the af^d Committee of Agrievances It is considered and humbly prayed that the Committee appointed by the house of Assembly at S^t Mary's in Sept A^o 1694, to audite the Acc^t of M^r Plater and other Receivers of the 4^d p Gall: on Rume &c. may bring in their Report to this house. And that all Treasurers Navall Officers and other Collectors may bring in their Acc^{ts} to this house so that it may be knowne and an Acc^t taken of all sumes that are in any mans hands belonging to the publike.

Upon reading the above Reporte Ordered the publike Treasurers of this province produce their Acc^{ts} to this house on Munday next.

Mr Elisha Hall his petition being read ordered that the Committee of Laws prepare a Bill for confirming the Titles of all those persons who according to former Acts of Assembly have taken up Lotts in Towns & built thereon

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The House adjourned untill eight of the Clock on Saturday morning.

Saturday Octob: the 12th 1695.

The house met and being called over the following Members were absent Viz^t Mr Frisby Col: Hinson Major Dorsey Mr Lingham Mr Hutchison Mr Boothby Mr Rob^t Smith Mr Low Mr Scarborough, Mr Hooper Mr Hicks Col: Herman & Col: Codd.

Ordered all Committees be called into the House.

The Reporte of the Committee of Agrievances Relating to the Encourageing of building of Shipps and Vessells within this Province and the Resolve of this house in Feb^y 1694 being here produced. Ordered that the Clarke Copy or draw out the said Resolve, and that the same be sent to the Committee of Laws and the Act thereby amended:

The House adjourned untill Munday morning at 7 of the Clock.

Munday Octob: the 14th 1695.

The house met and was ordered to be called over and these following Members were absent Viz. Col: Hinson Mr Frisby Cap^t Hill Mr Hutchins Cap^t Dent Mr Hutchison Mr Boothby Mr Smith Mr Lowe Major Enalls Mr Hooper Mr Hicks and Col. Herman.

Mr John Watson added to the Committee of Agrievances.

Mr Scarborough added to the Committee of Laws.

The petition of Kent Island referred to a full house on Tuesday morning.

Certain proposalls from his Ex^{cy} the Gov^r & Councill layd before this house & debated & resolved upon as followeth.

That at Willm Stad^t the parish Church be built within the Port and the parish layd out as convenient as may be to it.

Resolved according to the proposall that at Willm Stad^t the Parish Church be built therein, and the parish layd out as convenient as may be to it

p. 11

Proposed that whether the Shipps now in the Country or others that shall come in shall be cleared as they are ready, or be Stopt to go under a Convoy in a ffeet and to advise which will most conduce to his Ma^{ty}s Service.

The house because of the Uncertainty of the Arrivall of the Fleet thinke it will be more for his Ma^{ty}s Service that such Shipps when filled may be Cleared.

Original
Journal.

That at the port of Annapolis a Lott may be layd out for the Minister nigh to the place where the Church is to stand, and that the Minister be obliged to read prayers twice a day.

Assented to by the house.

It being represented that there is likely to be a scarcity of Corne in the Country this year. It is therefore proposed that an Ord^r pass ag^t the Exportation of it.

Resolved Nemine contradicente that his Ex^{cy} would be pleased to issue his proclamation against the Exportation of Corne.

Proposed that some sort of Remonstrance or Declaration be drawn up by way of Advice to Signifye how unadvisedly sev^rall p^{rs}ons of this province have been induced to leave the same some going with their Wives and family's to the Southward and some to the Northward Viz^t Carolina and Pensilvania being deceived with the false Report of the great plenty those places live in which severall have tryed to their wofull experience some returning in a poor Condi^cōn and others willing to returne if they could but are not able having sold their Estates here & by their Removall Spent most or all of their Substance whereby they have incapacitated themselves to make any Return. Others terrifyed out of the Province through a Vain notion of great and heavy taxes of an hogsh^d or more p head whereas the same evidently appears a frivolous idle Complaint not but that they are somewhat large through Arrears ever since the Revolution but now hope in God will be satisfied this year so that the levy's will become as light as ever they used to be.

p. 12 However the afore going Matters tending to the Disturbance of this province, If any person shall hereafter coming from those parts be discovered to intice or encourage any the Inhabitants of this province to remove hence through means of the Specious large Character by them given of those parts from whence they come shall be lyable upon complaint made before a Justice of the peace to be comitted to prison and answer the Law as a Comon Disturber and Divulger of false news. And the like for p^{rs}ons bringing an evill Report upon the Country by maliciously and falsely spreading abroad a noise of great taxes. And lastly to set forth that no persons are thereby hindred to remove out of this province to any other place they shall best like of, but that they be well advised before they go about it least they may be sorry for their Change when it may prove to late.

Signed p Ord^r
Hen Denton Cl Concil.

The house desire his Ex^{cy} would be pleased to issue his

proclamation Signifying that all such psons as shall use such illegall and false Specious pretences and Allurem^{ts} to intice the Inhabitants out of this province, shall be proceeded ag^t according to Riggor of Law. Original
Journal.

The house adjourns till 6 a Clock to morrow morning

Tuesday Octob: the 15th 1695.

The house met and ordered to be called over these members were absent M^r Clark M^r Frisby, Cap^t Hill Major Dorsey Cap^t Dent M^r Hutchison M^r Boothby, Major Maxwell, M^r Watkins, M^r Smith and Colonel Herman.

Then read what was done Yesterday.

The petition of Kent Island being read, and M^r Mathew Erexon an Inhabitant thereof being called into the house and having Spoake to the said petition was ordered to withdraw and after serious debate thereon Put to the Question whether Kent Island shall continue as by Act of Assembly established or be altered according to the petition.

Carried by majority of Voices it shall continue as by Law established.

M^r Thomas Tasker Treasurer for the Westernne Shoar produces his Acc^t of the publique Revenue.

Message from his Ex^{ty} the Governor and Councill by the hon^{ble} Col: John Addison, who say's he is ordered to acquaint the house That the Emperor of Piscattoway complains he cannot well rule his young Indians but that they run out to the Southward and bring in prisoners to thé forte, and carry them into other parts of this Province, So that he fears thereby Strange Indians may be introduced into this province which may not only prove p^rjudiciall to him but to the English also. p. 13

Referred to the Consid^racōn of the whole house to morrow morning.

House adjourned for an hour

Post Meridiem. House met.

An Act appointing Rangers read the first tyme and passed.

An Act for the Imposition of ten per Cent upon European Goods exported. Put to the Question whether the said Act shall pass with Amendm^t and carryed in the Affirmative.

An Act for Regulating the proceedings of the provinciall Court and lessening the Charge of Evidences Attendance read the first tyme And put to the Question whether the said Act shall pass with the Amendment & carryed in the Affirmative.

Original
Journal.

An Act for laying an Imposition on Severall Comodityes exported out of this Province read the first tyme and passed.

An Act for Appeals and regulating Writts of Error read the first tyme and passed.

The af^d Acts sent up to His Ma^{ty}s hon^{ble} Councill by Mr Tasker Cap^t Waughob Mr Hawkins Major Maxwell & Mr Ferry

The house adjourned till 6 of the Clock to morrow morning.

Wednesday Octob: 16th 1695.

The House being met was ordered to be called over and the following Members were absent.

Cap^t Waughop Mr Mason, Mr Frisby Major Hamond Cap^t Hill Major Dorsey Mr Greenfield Mr Hutchins Capt Dent Mr Hutchison Mr Boothby Mr Smith Mr Scarborough Major Ennalls Mr Hooper Mr Hicks and Col: Herman.

Then was read over what was done yesterday Major John Hamond enters the house.

p. 14 Major Willm Whittington publike Treasurer for the Eastern Shoare appears in the house and produces his Acc^t as publike Trearer &c.

The following proposalls from his Ex^{cy} being layd before the house, debated & resolved thereon as followeth

That the house would write to Mr Povey in Case the Lords of the Co^mittee of Trade and plantations shall not approve of our Bill for Advancement of Coyns already drawn and sent for England that their Lordps would be pleased to make such proposalls to this house. to be considered on as may answer the Ends designed.

Put to the Question whether such Letter shall be writt according to his Ex^{cys} proposall & carried in the Affirmative.

Resolved the Co^mittee of Laws prepare the said Lr^e. That the house write to my Lord Arch Bishop of Canterbury and the Bishop of London to thanke them for their favors ffriendship to this province & to begg the Continuance thereof. To thanke the Arch Bishop for taking upon him the Patronage of our ffree Schools, As also to thanke the Lord Bishop of London for the Co^missary and mission of Clergymen he has promised.

Resolved such Letters be writt And that Mr Perigrine Couey be requested to prepare them.

Message from his Ex^{cy}. the Gov^r and Councill by the hon^{ble} Col: Nicholas Greenberry Col. Charls Hutchins & James Frisby Esq^{rs} who bring downe the Bills yesterday sent up to that Board, And say the same will pass with some small Amendm^t which was assented to by the house & accordingly incerted in p^rsence of the af^d Gent his Ma^{ty}s hon^{ble} Councill.

A Bill securing Sev^rall p^rsons Rights in Town Lands read the first tyme and passed Original Journal.

An Act for the Imposition of 4^d p Gall: on Liquors imported into this province read the first tyme.

Put to the Question whether the s^d Act shall pass or not & carried in the Affirmative. p. 15

The two last Bills sent to his Ex^{cy} the Gov^r and Councill by Cap^t Hill Major Hamond Mr Saunders & Col: Pearce.

House adjourns for an hour.

Post Meridiem House met.

Came this Message from his Ex^{cy} the Gov^r and the Councill by the hon^{ble} Col: Henry Jowles Colonel John Addison Thomas Brooke Esq^r and Cap^t John Courts, who brought down to the House the following Bills Viz^t A Bill for securing Severall p^rsons Rights in Towne Lands.

A Bill for the Imposition of 4^d p Gall: on Liquors imported.

And recomend from the Councill Board that in the begining of the Address to his Maty, this province do congratulate his good Success and Signifye that We have expressed our Joy therefore to the Utmost of our Capacities.

And that it is further recomended to the house this Alteracōn be made in the Act for the Imposition of 4^d p Gall: on liquors imported, That Shipps built before the making of the said Act be wholly left out, And that the Shipps clear of the said Duty be those which are or shall be built since the making the said Act and which wholly & solely belong to the Inhabitants of this province.

The house adjourns till to morrow morning at 6 of the Clock.

Thursday Octob: the 17th 1695.

The house being met was ordered to be called over and the following Members were absent Viz^t M^r Clark Mr Frisby Major Hamond Cap^t Hill Mr Greenfield M^r Hutchins M^r Lingham Mr Tasker Cap^t Dent Mr Hutchison M^r Boothby Mr Robert Smith Mr Lowe Mr Bosman Mr Dixon Mr Pollard Major Ennalls Mr Hooper Mr Hicks and Col: Herman.

Then was read over what was done Yesterday. Cap^t Hill Enters the house.

House adjourned for halfe an hour.

The house being mett.

The following Message ordered to be sent to his Ex^{cy} the Gov^r & Councill.

Original
Journal.By the house of Burgesses Octob: 17th 1695.

The house taking into Consideration the Message from your Ex^{cy} and the hon^{ble} Councill Sent on tuesday last by the hon^{ble} Colonel John Addison touching the Emperour of Piscattoway's Complaint desire and intreat your Ex^{cy} out of your wonted Care for his Matys Service and the good of this province, that you would be pleased to examine into the Same, and give such Orders and directions therein as to your Ex^{cy} in your Wisdom shall seem meet.

Signed p Ord^r
W Bladen Clk Assembly.

Sent p Cap^t Hill and Majo^r Hamond.

House adjourned for an hour.

Post Meridiem house mett.

Vpon perusall of the Ord^r of Councill Aug^t 17th 1695. The Consid^ration thereof is referred to the next Sessions.

Put to the Question if the Act made last Sessions of Assembly for dividing and regulating severall County's shall stand as it is or be repealed, Carryed by majority of voices not to be altered.

A Bill for the Naturallization of Michael Curtis & others read the first tyme and passed.

A Bill for securing the Rights of Severall persons in Town Lands read the second tyme and passed.

His Ex^{cy} recom^{end}ing to the house that they would make up so much money in proportion as our neighboring Collony of Virginia hath contributed to the Assistance of New Yorke and like wise his Ex^{cy} having proposed to advance the same vpon the publique ffaith.

p. 17 Resolved unanimously that if his Ex^{cy} shall please to advance so much Money for the Assistance of New York as with what We have already transmitted thither will make up our Quota proportionable to our neighbouring Colony of Virginia being 133^l 8^s 7^d the house do hereby resolve that he shall be gratefully refunded the same out of the first mony arrising to this province out of the publique Revenue of the Same.

And Mr John Perry post Ma^r of this province is hereby ordered to go to New Yorke there with.

Resolved Mr Robert Mason be Treasurer for the Western Shoar of this province, And that Major Thomas Smithson be publique Treasurer for the Eastern Shoar.

Resolved that the Additionall Duty of 3^d p hh^d be no longer continued then till the Expiration of the p^rsent Act therefore

Resolved that if upon his Ex^{cys} Ord^r his Agent shall pay

Esq^r Blathwayt 50 Guineas and John Povey Esq^r 50^l sterl his Ex^{cy} shall be reimbursed the same out of the publique Revenue of this province. Original Journal.

The house adjourned till 6 of the Clock to morrow morning.

Fryday Octob: the 18th 1695.

House met and ordered to be called over the following members were absent Viz^t Col. Hinson Col: Hanson Mr Frisby, Mr Saunders Mr Watkins Mr Hutching Major Smalwood Mr Hutchison Mr Boothby Mr Rob^t Smith Mr Lowe, Major Ennalls, Mr Hick's Mr Hooper & Colonel Herman.

Mr Edw^d Boothby enters the house

A Bill for the paym^t 333^l 6^s 8^d towards the maynteyning of his Ma^{tys} forces at New Yorke read the first tyme and passed.

A Bill for the Imposition of 4^d p Gall: on liquors imported into this province read the second and third tymes & assented to by the house.

A Bill for the Regulating the proceedings of the provinciall Co^t and lessening the Charge of Evidences Attendance read the second and third tymes and assented to by the house.

A Bill for the laying an Imposition on Sev^rall Co^modity's exported out of this province read the second and third tymes and assented to by the house.

A Bill for appointing Rangers for the Defence of this province read the second and third tyme and assented to by the house.

A Bill imposing a Duty of ten p Cent upon all European Good's exported out of this province read the second and third tymes and assented to by the house p. 18

A Bill for Appeals and Regulating Writts of Error read the second and third tyme and assented to by the house.

A Bill for the Naturallization of Michael Curtis and others read the second and third tymes & assented to by the house.

A Bill for Reviving the temporary Laws of this province read and assented to by the house.

The af^d Bills sent up to his Ex^{cy} and his Ma^{tys} hon^{ble} Councill by Major Hamond Cap^t Bayne Maj^r Dorsey Col: Hanson Mr Hawkins and M^r Scarborough.

House adjourned for an hour.

Post Meridiem.

House mett

A Bill for securing Sev^rall persons Rights to Town Lands read the third tyme and passed And sent up to his Ma^{tys} hon^{ble} Councill by Major Maxwell Cap^t Waughop and Mr fferry.

The house is adjourned till to morrow morning at 6 a Clock.

Original
Journal.Saturday Octob. the 19th 1695.

The house met and being ordered to be called over these members were absent Viz^t Mr Clarke Cap^t Bayn Col: Hinson Mr Frisby Cap^t Hill Mr Greenfield Mr Hutchins Mr Lingham Major Smalwood Cap^t Dent Mr Hutchison Mr Robert Smith Mr Nicholas Lowe Mr Scarborough Major Ennalls Mr Hooper Mr Hick's Col: Herman and Col: Codd.

Message from his Ex^{cy} the Gov^r and Councill by the hon^{ble} Colonel Henry Jowles and Colonel Nicholas Greenberry who bring down the Bill for paym^t of the mony to New Yorke and Signifye to the house that the Councill Concur to the passing thereof, also lay before the house the following proposall from his Ex^{cy} the Gov^r in Councill.

p. 19 By his Ex^{cy} the Gov^r and Councill Octob: the 18th 1695. Proposed that in all the parishes where there is no minister and where Churches are already built that the Vestry's of such parishes lay out what tob: of the 40^l p poll they shall collect or shall be remaying after Churches Built for and towards building Chappells of Ease in the most convenient places of the said Severall parishes, And if in case any of the said Vestry's of such parishes af^d do not dispose of the tob: collectable or which will be remaying in their hands this year, that they lay the same out either for ready goods or Bills of Exch: this year tob: being likely to be a good Comodity, and that this may pass into an Ordinance

Assented to by the house and	} Signed p Ord ^r
ordered according to the proposall	
	Hen: Denton Cl Concil.

His Ex^{cy} recomending to the house that they would write to the Governm^t of New Yorke and send one of their Members thither.

Resolved the house will write no Letter nor send any Messenger but Mr John Perry the post. Vpon reading the petition of Mr Philip Lynes and others that have be security's for Ma^{rs} of Shippes.

The house do concurr and desire his Ex^{cy} will be pleased to give directions that some stop be put to the proceedings ag^t the pet^{rs} untill such tyme as advice may arrive from England and that the Sherriffs exact no other Bayle for their Appearance more then their own Bonds

Mr Watson and Cap^t Bayne sent to his Ex^{cy} to know when his Ex^{cy} will give leave this house shall attend him.

The house adjourns for halfe an hour

House mett.

Mr Watson and Cap^t Bayne returne to the house and say that his Ex^{cy} will imediately send down to the house

Colonel Hutchins Colonel Brown and James Frisby Esq^r Original
came down from his Ex^{cy} the Gov^r and Councill with Sev^rall Journal.
Bills assented to by the Councill

A Bill for the paym^t of 333^l 16^s 8^d toward the maynteyning p. 20
of his Ma^{ty}s forces at New Yorke read the second and third
tymes and assented to by the house.

Mr Tho^s Tasker Sent to his Ex^{cy} to acquaint him that the
house will adjourne for an hour, but that they will be ready
to attend him when his Ex^{cy} shall Signifye his pleasure to Mr
Speaker

House adjourned for an hour.

Post Meridiem.

The house met.

Mr Tasker Returnes to the house and says he has delivered
his Message, and that his Ex^{cy} is ready to receive what this
house hath to offer to him.

The petition of Kent Island referr'd to the next Sessions of
Assembly.

The Reporte of the Co^mittee appointed to State the pub-
lique Revennue May 1695 and addressing his Ma^{ty} that the Q^r
part of the publique Revennue due from the Estate of his Ex^{cy}
the late Gov^r Col. Lyonel Copley deceased be appropriated to
the use of this province is referr'd to the Consid^rac^on of the
next Assembly.

A Bill for paym^t and assessing of the publique Charge of
this province read the first second and third tyme and assented
to Nemine contradicente.

The house go up to his Ex^{cy} the Gov^r in Councill and carry
with them the following Bills Viz^t

A Bill for Regulating the provinciall Court

A Bill for the Imposition of 4^d p Gall: on liquors imported

A Bill for regulating Appeals and Writts of Error.

A Bill securing sev^rall persons Rights to Town Lands.

A Bill imposing a Duty on Severall Co^moditys exported
out of this province.

A Bill for Appointing Rangers.

A Bill for the Naturallization of Michael Curtis and others. p. 21

A Bill for the paym^t of 333^l 16^s 8^d sterl toward the mayn-
teynance of his Ma^{ty}s forces at New Yorke

A Bill for reviving the temporary Laws of this province.

A Bill for paying and assessing the publique Levy of this
province

To which his Ex^{cy} Signified his Assent and signed them in
token thereof. And the Broad Seal of the province was affixed
unto them.

Original
Journal.

After which his Ex^{cy} was pleased to give the house thanks in his Ma^{ty}s name for their Care and pains in the making these & the other Laws since his Arrivall and reco^mended to them that as they were most of them Magistrates in their Sev^rall County's that they would duly observe them and the other good Laws of this province and all Ordinances made this Sessions, as also that they would be the same duly observed and put in execution without which their Labour and pains in making them would prove altogether Vaine and useless.

Further his Ex^{cy} reco^mended to them that they would signifye to the Inhabitants of their Sev^rall County's that they should not be disheartned or disencouraged through the Rumour and noise of heavy taxes, and to pswade them from their folly and unadvisedness in leaving the Country upon such idle Rumours and Storyes.

Then his Ex^{cy} told them that he prorogued them untill the 20th of March Ensueing. And in Case there should be no occasion of their meeting at that tyme he would give them notice thereof in ffeb^{ry} next and further prorogue them

p. 31 Maryland ss^t:

Journal of the Co^mittee of Accompts.

Appointed and Ordered by the Burgesses of Assembly for the Regulating and Inspecting the Publick Accompts of this Province, Att a General Assembly held at the Port of Annapolis in Ann Arundell County on the Seventeenth day of October in the Seaventh yeare of the Reigne of our Soueraigne Lord William the third by the Grace of God of England, Scotland, ffrance & Ireland King Defender of the ffaith &c: Annoq Dom: 1695. (to Witt)

M^r Robert Mason.

Major Thomas Smith	} M ^r George Lingham }
M ^r Thomas Greenfeid	
	M ^r ffrancis Watkins }

In obedience thereunto the Comittee appointed mett at the house of M^r Vanswearingen in the Port of Annapolis on the s^d Seventeenth day of October in the yeare of our Lord 1695.

And M^r Robert Mason by the s^d Co^mittee was appointed and chosen chairman who tooke his place accordingly and Cleborne Lomax was appointed their Clerke, and ordered to attend the s^d Comittee.

Ordered, that the Clerke of this Comittee sett up noates in Severall places to give notice to all persons where the said co^mittee sits to bring in their accompts.

The Comittee adjourns till to Morrow Morning at eight of the Clock.

Twesday October the 8th 1695.

Original
Journal.

The Comittee mett again. Present.

Mr Robert Mason Chairman

Major Thomas Smith	}	Mr George Lingham
Mr Tho ^s Greenfield		Mr ffrancis Watkins

The Comittee now proceeds to Examine and Regulate all Publick Accompts.

1 tobaccoe } Mr John Moll of Cecill County his accompt
406. } examined and allowed 400 l tob:

Henry Matthews of Ann Arundell County his accompt examined and allowed for lookeing after the ffence of the Town pasture and keeping the Gate in Repair, 1200 l tob.

The Second Article in his account referred to the Sherife for to pay. The third article in his accompt referred to the County for pay.

1 tobaccoe } Mr William Parker Sherife of Calvuert County
3000 } his accompt about transporting the Provinciaall
Records, examined and allowed in full of the same 3000
l tob:

Joseph Edloe of Calvuert County his petition considered and a mistake being found in the Journall 1694 upon the s^d mistake allowed upon ballance due 2193 l tob.

Mr William Barton of Calvuert County his account exam-
ined and allowed for ninety one pounds of Powder formerly p. 32
prest for the Countreyes Service, eighty pounds by Thomas Lowe and eleven pounds by Thomas Orell. 1224 l tob:

The Hono^{ble} Sr Thomas Lawrence his accompt examined and allowed for fees upon the tryall of James Welch 1030 l tobo: Allowed ditto for 2 Coppies of the tryall of W^m Burleigh & George Mason and 2 Coppies of the Tryall of Rebeckah Saunders and two Copyes of the tryall of Jenkin Powell and affixing the Seale to each Copy. 1452 l tob:

Allowed ditto for writts of Election for Talbott and Sumersett Countyes. 1440 l tobo.

Allowed Richard Jones of Ann Arundell County for accomodating the grand Enquest October Court 1695 as by the foremans Receipt for the Same, 2500 l tob:

The Comittee adjourns till to Morrow Morning at Eight of the Clock.

Original
Journal.Wednesday October the 9th 1695.

The Comittee mett again. Present

M^r Robert Mason Chairman

Major Thomas Smith	}	M ^r ffancis Watkins }
M ^r Thomas Greenfield		
M ^r George Lingham		
		M ^r John Pollard. }

The said M^r John Pollard being added to the Comittee p order of the House.

William Browne of Ann Arundell County his account examined and allowed for Railing and paleing in the Yard aboute the State House, and for Seates, frames and window Shutters, and plank and nailes for the same 800 l tob:

The Cart wheelles in the s^d accompt allowed for the last Sessions of Assembly.

Edward Snelling his accompt for worke done aboute the State House. Examined & allowed upon the same 2500 l tob: And the County to pay for fitting up the County office.

Henry Loftus his accompt examined and considered by the Comittee. Referred to them that employed him for his pay.

P 33 M^r Thomas Tasker his accompt examined and allowed for his attendance as a Justice of the Provinciaall Court in November Court, ffebruary and August Courts, and for his attendance in May as a Burgesse 18 dayes with his Itenerant charges. 4424 l tobaccoe.

Allowed the s^d Tasker in May Assembly as appears by the Journall for 9^s 1980 l tob: for his attendance then remains due, 2444 l tob:

M^r George Plater his accompt examined and allowed upon the same for the tryall of James Welch, 400 l tob: to be allowed in Charles County.

Richard Shirley of Caluert County his accompt examined and allowed for Carrying over the Bay severall Coppyes of the Laws by order of his Excellency the Governour and in full of the Same 800 l tob: to be allowed in Charles County.

Allowed M^r Vanswearingen for the Expenses of the Comittee of Accompts, 795 l tob:

Major Robert King of Sumersett County his accompt examined and allowed for his attendance as a Justice of the Provinciaall Court in Novem^r Court 1694 and August Court 1695, and his Itenerant Charges, 5620 l tob:

M^r John Caruile Sherife of Cæcill County his accompt examined and allowed for James Meekes and Thomas Harris's Levyes being run away, 204 l tob:

The remainder of the s^d account Referred till further prooffe
and the negroe to pay his own fees &c: Original
Journal.

Mr Job Euvans of Ann Arundell County his accompt examined and allowed 600 l tob:

Mr Robert Mason his accompt examined and allowed for his attendance as a Justice of the Provinciaall Court in August last and for his Itenerant Charges 2440 l tob:

Ordered that the Clerke sett up noates to giue notice to all Persons that have any accompts to putt into the Publick to bring in their s^d accompts, to the Comittee betwixt this and Saturday next at four of the clock in the afternoon.

The Comittee adjourns for an hour.

Eodem die. The Comittee mett again Present as before.

Coll^o David Browne his accompt examined and allowed for his attendance in Councill and Itenerant Charges 6939 l tob:

Coll^o Charles Hutchins his account examined and allowed for his attendance in Councill and Itenerant Charges 7419 l tob:

Mr Thomas Brooke his account examined and allowed for his attendance in Councill and Itenerant Charges 3860 l tob: p. 34

1 tobaccocoe } Coll^o John Courts his accompt examined and
3580. } allowed for his attendance in Councill and Itenerant charges 3580 l tob:

Coll^o John Addison his accompt examined and allowed for his attendance in Councill and Itenerant charges 4200 l tob:

Mr James ffrisby his accompt examined and allowed for his attendance in Councill and Itenerant Charges 1240 l tob:

Coll^o George Robotham his accompt examined and allowed for his attendance in Councill and Itenerant charges 3480 l tob.

The Hono^{ble} Sr Thomas Lawrence his accompt examined and allowed for his attendance in Councill 1350 l tob:

Coll^o Nicholas Greenberry his accompt examined and allowed for his attendance in Councill 2700 l tob:

The Article of the old accompt being before the house last sessions of Assembly and the same not being allowed by the house then, the comittee cannot allow the same.

Mr Edward Randolph his accompt examined and allowed for his attendance in Councill and Itenerant Charges 4500 l tob:

The s^d Account assigned to Mr Henry Denton.

Allowed to William McCubbin of Ann Arundell County upon his petition for his labour by agreement upon the Countreyes Service 1000 l tob: more then was allowed the last Sessions of Assembly for his labour about the Towne ffence.

Original
Journal.

Allowed M^r Thomas Grunwyn of St Maryes County for his labour & paines for Examining & Drawing a list of the Provinciaall Records in the Secretaryes & Co^mmissaryes offices 806 l tob:

Allowed M^r Henry Denton for his labour & paines for examineing and drawing a list of the s^d Records 800 l tob:

Allowed to Kent County for boates to bring the Burgesses to this Assembly 720 l tob:

The Petition of Orlando Greenelade Referred to the House.

The Petition of M^r William Hopkins Referred to the House.

M^r Thomas Tench his accompt examined and allowed for his attendance in Counsell 3700 l tob: the last article in his accompt Referred to the House.

M^r John Pollard his accompt examined and allowed for his attendance as a Justice of the Provinciaall Court in Novem^r ffebruary and August Courts and his Itenerant Charges, 4240 l tob:

The Hono^{ble} S^r Thomas Lawrence for paper and parchment for the Countreyes Service his accompt examined and allowed 4960 l tobacco:

The Comittee adjourns till to morrow morning at Eight of the Clock.

p. 35

Thursday October the 10th 1695.

The Co^mittee mett again. Present.

M^r Robert Mason, Chairman.

Major Thomas Smith	}	M ^r ffrancis Watkins	}
M ^r Thomas Greenfield	}	M ^r John Pollard	}

l tobaccoe } John Haslewood of Dorchester County his 830 } accompt examined and allowed 830 l tob: the same being proved before M^r Robert Smith and M^r John Pollard.

The order from the House for allowance to Thomas Blake, was allowed the last sessions of Assembly as by the Journall appears.

The Comittee adjourns till to morrow morning at eight of the Clock.

ffriday October the 11th 1695.

The Comittee mett again. Present.

M^r Robert Mason Chairman.

Major Thomas Smith	}	M ^r ffrancis Watkins	}
M ^r Thomas Greenfield	}	M ^r John Pollard	}
M ^r George Lingham	}		

Mr William Hatton of Charles County his accompt examined and allowed for his attendance as a Justice of the Provincial Court and Itenerant charges in August Court last 3080 l tob: Original Journal.

The remaining part of his account being allowed the last Sessions of Assembly.

Mr Robert Carss of St Maryes County his accompt examined and allowed for imprisonment fees of William Burleigh George Mason and Robert Saunders and other charges 10730 l tobaccoe.

William Goldthrope of Calvert County his accompt examined and allowed for transporting over patuxent river the Secretaries and Comissaries Records with the attendants, 400 l tob:

Major William Whittington of Sumersitt County his accompt examined and allowed for his attendance as a Delegate of the s^d County in assembly in May last with his Itenerant charges, 2380 l tob.

Mr Samuell Withers of Talbott County his accompt examined and allowed for a boate to bring the Burgesses of the s^d County to St Maries Anno 1693, 720 l tob:

The other not being due, and the remainder of the accompt Referred to the House.

Coll^o Caspearus Herman of Cæcill County his accompt examined and allowed for three barrells of beere for the Burgesses 1200 l tob:

Mr Gilbert Linesley of Talbott County allowed upon a Protested Bill of Exchange drawn by Mr Samuell Bourne upon Cap^t Peter Paggan by order of the convention bearing date the first day of Aprill 1692, for thirty one pounds Seavuen Shillings and Seavuen pence Sterling, 10460 l tob: p. 36

Thomas Witherley of Charles County his accompt examined and allowed for Comeing to St Maries upon an express to the Hon^{ble} Sr Thomas Lawrence about the murther comitted by the Anna Costain King, 400 l tob:

Mr Edward Jones of Cæcill County his accompt examined and allowed for his attendance as a Justice of the Provincial Court in ffebruary and Augt Courts with his Itenerant charges 3346 l tob:

And for his attendance and Itenerant charges in Octob: Court Referred till the Latter end.

The Comittee adjourns till to Morrow
morning at Seauen of the Clock.

Original
Journal.Saturday October the 12th 1695.

The Comittee mett again. Present.

M^r Robert Mason, Chairman

Major Thomas Smith	}	M ^r Francis Watkins	}
M ^r Thomas Greenfield			
M ^r George Lingham			

Coll^o Henry Jowles keeper of the Greate Seale his accompt examined and allowed for the Seale to Severall Proclamations and Comissions 6840 l tob: and for his attendance in Councill and Itenerant charges 4860 l tob: in all 11700 l tob:

Daniell Edge of Ann Arundell County his account examined and allowed for Carrying up the Lawes to Baltimore County 300 l t:

Major John Hamond his accompt examined and allowed for his attendance as a Justice of the Provinciaall Court in August last, and for 18 foote of glass for the Court House, 1980 l tob:

The other part of the accompt allowed the last Sessions of Assembly &c.

Cap^t John Baynes accompt examined and allowed for his attendance as a delegate for S^t Maryes County in ffebruary and May Assemblyes and his Itenerant charges 2640 l tob:

The accompt of William Browne Carpenter to be examined over again as for his allowance for his worke done about the Court House when Cap^t Richard Hill brings in his account.

M^r Robert Smith of Talbott County his accompt examined and allowed for his attendance as a Justice of the Provinciaall Court in November, ffebruary and August Courts, and his Itenerant charges 6460 l tob: and for his attendance as a Delegate for the s^d County in May last and his Itenerant charges 2280 l tob: in all 8740 l tob:

p. 37 1 tobaccoe } Cap^t William Holland Sherife of Ann Arundell
2140. } County his accompt examined and allowed for
the Imprisonment of James Welsh and his Execution, 2140 l
tob:

Allowed ditto Holland for building the prison timber and other charges about the Same, 7630 l tob:

Allowed ditto for his attendance as Sarjeant at Arms 3000 l tob. Allowed ditto Holland for his expenses at M^r ffreebornes in May Assembly 1150 l tob:

The Comittee adjourns for an houre.

Eodem die. The Comittee Mett again present as before.

Richard Kilburne of Ann Arundell County his accompt examined and allowed for transcribing Severall Lawes by his Excellencyes Order, Containing 52 pages, 400 l tob:

Charles Kilburne of Ann Arundell County his accompt examined and allowed for transcribing Severall Lawes by his Excellencyes order Containing 52 pages, 400 l tob: Original Journal.

Mr William Cooper of St Maryes County his accompt examined and allowed for a transcript of the Lawes in 1694 by his Excellencyes order to be sent for England and other transcripts of the Councill Records, 800 l tob:

Mr Thomas Bland of Ann Arundell County upon his petition allowed for the vse of his bed prest, 400 l tob:

Mr William Harpam his Petition referred to the House.

William Gibbons of Ann Arundell County upon his petition allowed for goeing from Annapolis down for Coll^o Cooode & others upon an express from his Excellency, 400 l tob:

Thomas Ward his accompt examined about his labour for making the Town fence, allowed the last Sessions of Assembly by order of the house to one W^m McCubbin & three partners as by the Journall &c.

Mr Francis Watkins sent to the Committee of Laws for the Law about the Rangers.

Mr Thomas Tench assignes over to Mr Thomas Brookes of Calvert County 2000 l tob: out of his publick pay for his attendance in Councill.

John Newton of Charles County Drummer upon his petition allowed for his attendance in August Court and this Sessions of Assembly 1200 l tobaccoe.

Mr Samuel Withers his accompt returned to the Committee again by the House, and allowed noe more than what the Committee hath allready allowed.

George Slacum his accompt examined for bringing the Cage Whipping post pillory and Stone from London Towne to Annapolis referred to the County for his pay, being the proper goods of the County

Mr James Saunders his accompt examined and allowed for his attendance as a Delegate for Ann Arundell County, in february & May Assemblies, 2420 l tob. p. 38

William Layton of Sumersett County upon his petition for carrying an Express over the Bay allowed 300 l tob:

Allowed more to Cap^t William Holland Sherife of Ann Arundell County for labourers dyett and 3 labourers worke 3 dayes about the Prison, 400 l tob:

Mr Henry Lowe of Calvert County his accompt examined and allowed for his attendance as a Justice of the Provinciaall Court in November and October Courts and his Itenerant charges 3040 l tob:

Coll^o Charles Hutchins of Dorchester County his accompt examined and allowed for bringing over the bricklayers to Annapolis by his Excellencyes order and his attending them, and his comeing over when the Town was laid out 2400 l tob:

Original
Journal.

Rangers allowances for Seaven Months.

John Oulton of Baltimore County Comander	5600 l tob.
Tobias Standborrow of Baltimore County	4200 l tob.
Thomas Roberts of Baltimore County	4200 l tob.
Josiah Bridges of Baltimore County	4200 l tob.
Henry King of Baltimore County	4200 l tob.
Daniell Welsh of Baltimore County	4200 l tob.
Richard Brightwell of Caluert County Comander	5600 l tob.
James Wapley of Calurit County	4200 l tob.
James Rose of Caluret County	4200 l tob.
John Doughton of Calurit County	4200 l tob.
ffrancis Warner of Caluret County	4200 l tob.
Thomas Orton of Calurit County	4200 l tob.
Micheall Ashforth of Charles County	4200 l tob.
John Oulton p Richard Miller	4200 l tob.

Allowances made the last Sessions of Assembly by Order of the House and not entered then (to witt)

Allowed William Shirmy 800 l tob:

Allowed Major Dorsey for his house under the Hill 4000 l tob:

Allowed M^r William Bladen Clerke of the House 4000 l tob:

Allowed M^r William Cooper one of the Clerkes of the comittee Lawes 1200 l tobaccoe.

Allowed M^r Christopher Gregory one of the Clerkes of the Comittee of lawes 1200 l tob:

Allowed M^r Robert Goldsborrow Clerke of the Comittee of Agrievances, 2000 l t:

Allowed Cleborne Lomax Clerke of the Comittee of Acompts, 1600 l tob:

p. 39 1 tobaccoe } Allowed Captain Richard Hill for his Land in
13000 } Annapolis according to the verdict of the Jury
1300 l tobaccoe.

Allowed M^r Henry Denton Clerke of the Councill for his attendance in ffebruary and May Assemblyes, 5000 l tob.

Allowed M^r William Bladen for business done since the last Assembly, 6000 l tob:

The Comittee adjourns till Munday

Morning at Eight of the Clock.

Munday October the 14th 1695.

The Comittee mett gain. Present.

M^r Robert Mason, Chairman.

Major Thomas Smith	}	M ^r George Lingham
M ^r Thomas Greenfield		

Allowed Coll^o Henry Ridgley of Ann Arundell County upon his petition by Order of the House 100 l tob: more. Original Journal.

Allowed Capt Thomas Waughop of S^t Maryes County upon his petition by order of the House 2000 l tob:

Allowed M^r John West of Sumersett County Clerke of the Co^mittee of Agrievances for his expences this Assembly, 400 l tob:

And as for his attendance on the Comittee Referred to the House.

Josiah Collins of Ann Arundell County his accompt examined and allowed for Smiths worke 2 lb: 18.. paid by the Treasurer to Cap^t Richard Hill &c:

Vpon the Perusall of Cap^t Richard Hills accompt, Ordered that the s^d Hill and William Browne Carpenter appeare before the Co^mittee about their accompts.

Allowed Edward Snelling more upon the agreement about the Court house 208 in tobaccoe at 6^d p Cont: 332 l tob:

Allowed to M^r Thomas Dickinson one of the Delegates for Sumersett County 2 dayes more for his attendance in May Assembly 280 l tob:

October the 12th 1695.

M^r Mason out of the tobaccoe allowed mee I desire you will gett two hogsheads, Ordered, M^r Perry of four hundred neate in which you will oblige

Sir Your humble Servant
W. Bladen.

The s^d 800 l tob: Ordered to be allowed M^r Perry in Caluert County

The Co^mittee adjourns till to Morrow
Morning at Eight of the Clock.

Tuesday October the 15th 1695.

The Co^mittee mett again. Present.

p. 40

M^r Robert Mason Chairman.

Major Thomas Smith	} M ^r ffrancis Watkins
M ^r Thomas Greenfield	
M ^r George Lingham	

1 tobaccoe } M^r William Hopkins of Ann Arundell County
560 } his accompt Examined and allowed for the
Drummers accomodations, 560 l to: Cap^t Richard Hill's
accompt paid by the Treasurer M^r Thomas Tasker and Josiah
Collins his accompt allsoe paid to him.

Original
Journal.

M^r William Gwyther of S^t Maryes County for the accomodations of M^r Crouch whilst hee was writeing Copyes of the Lawes five weeks at 25 l tob: p day allowed 675 l tob:

M^r John Lowe of S^t Maryes County for a pair of Stillyards borrowed to weigh the Countryes powder upon the division of the same and burnt in the great house at S^t Maryes, and for his labour and paines in dividing the Same and the Countrey Armes; allowed 600 l tob:

William Twisdell of S^t Maryes County allowed for a horse three dayes to Carry the Records from S^t Maries, 90 l tobo:

The Comittee adjourns till to Morrow
Morning at Eight of the Clock.

Wednesday October 16th 1695.

The Comittee Mett again. Present.

M^r Robert Mason Chairman

Major Thomas Smith	}	M ^r ffrancisWatkins	}
M ^r Thomas Greenfield		M ^r John Pollard	

M^r William Harpams Petition Referred to the house, returned again and Rejected.

The last article of M^r Tench his accompt being referred to the house is paid by the Treasurer in money.

M^r Williams Hopkins his petition being referred to the House is allowed by Order of the House 400 l tob:

Dennis Murphy of Ann Arundell County for assisting to make the Town ffence his part out of the allowance made by the House the last Sessions of Assembly to Menibbin & three partners, to be allowed M^r Henry Ridgley Senior.

M^r Orlando Greenslade of Ann Arundell County his petition being referred to the house is allowed upon the same by order of the house 400 l tob:

M^r John Cross of Ann Arundell County upon his petition allowed for the fferry over South River 12000 l tob:

Allowed Coll^o Henry Ridgeley for 15 Bushells of Corne of Richard Bruce, 600 l tob:

p. 41 1 tobaccoe } Allowed M^{rs} Rachell Prostor for 32 Bushells
1300. } of Corne; 1300 l tob: 720 allowed M^r Rōbert
Smith of Talbott County for one boate, 720 l tob:

Allowed Major Thomas Smithson of Talbott County for a boate in ffbruary and October Assemblies, 1440 l tob:

Allowed Coll^o Henry Coursey & M^r Nicholas Lowe for a boate in May Assembly betwixt them, 720 l tob:

Allowed M^r John fferry of Baltimore County for a boate to bring the Burgesses of the s^d County to the Assembly, 720 l tob.

Allowed Mr Vanswearingen for the Expences of the Committee 970 l tob. Original
Journal.

Allowed Mr Vanswearingen for the Expences of Cleborne Lomax Clerke of the Committee during their sitting, 400 l tob:

Allowed Mr John Watson one of the Delegates for the Citty of St Maries for his attendance this Assembly, from the 2^d October untill the 19th of the same month in all 18 Dayes 2520 l tob: and 6 dayes Itenerant charges Comeing & goeing at 80 l tob: p day, 480 l tobaccoe, in all 3000 l tobaccoe.

Allowed Mr Kenelm Chisledyn one of the Delegates for the County of St Maries for his attendance this Assembly from the 2^d of October untill the 19th day of the s^d month, in all 18 dayes, 2520 l tobaccoe. Six dayes for his Itenerant Charges Comeing and goeing at 80 l to: p day 480 l tob: in all 3000 l tob:

Allowed Cap^t Thomas Waughob one of the Delegates for the Citty of St Maries for his attendance this Assembly from the 2^d of October untill the 19th day of the s^d month, in all 18 dayes 2520 l tob: and for his Itenerant charges Comeing and goeing six dayes at 80 l tob. p day 480 l tob. in all 3000 l tob:

Allowed Mr Robert Mason one of the Delegates for St Maries County for his attendance this Assembly from the 2^d of October till the 19th day of the s^d month in all 18 dayes 2520 l tob: and for his Itenerant charges Comeing and goeing Six dayes at 80 l tob p day 480 l tob: in all 3000 l tob:

Allowed Mr Philip Clarke one of the Delegates for St Maries County for his attendance this Assembly from the 2^d October till the 19th day of the s^d month in all 18 dayes 2520 l tob: and for his Itenerant charges Comeing and goeing six dayes at 80 l tob p day, 480 l tob: in all 3000 l tob:

Allowed Cap^t John Bayne one of the Delegates for St Maries County for his attendance this Assembly from the 2^d of October till the 19th day of the s^d month in all 18 dayes 2520 l to. and for his Itenerant charges coming and goeing six dayes at 80 l tob: p day, 480 l tob: in all 3000 l tobo:

Allowed Major James Smallwood one of the Delegates for p. 42
Charles County for his attendance this Assembly from the 2^d of October till the 19th day of the s^d month in all 18 dayes 2520 l tob: and for his Itenerant Charges comeing and goeing four dayes at 80 l tob: p day, 320 l tob: in all 2840 l tob:

Allowed Mr Henry Hopkins one of the Delegates for Charles County for his attendance this assembly from the 2^d day of October untill the 19th day of the s^d month in all 18 dayes, 2520 l tob and for his Itenerant charges comeing and goeing four dayes at 80 l tob: in all 2840 l tob:

Allowed Cap^t William Dent one of the Delegates for Charles County for his attendance this assembly from the 2^d of October till the 19th day of the s^d month, in all 18 dayes 2520 l tob: and

Original Journal. for his attendance charges comeing and goeing four dayes at 80 l tob: p day 320 l tob: in all 2840 l tob:

Allowed Mr William Hutchison one of the Delegates for Charles County for his attendance this Assembly 7 dayes 980 l tob. and for his Itenerant charges comeing & goeing four dayes at 80 l tob: p day, 320 l tob: in all 1300 l tob:

Allowed Major Thomas Smith one of the Delegates for Kent County for his attendance this Assembly from the 2^d of Oct^r till the 19th day of the s^d month in all 18 dayes 2520 l tob: and for his Itenerant charges comeing and goeing two days at 80 l tob. p day 160 l tob: in all 2680 l tob:

Allowed Coll^o Hans Hanson one of the Delegates of Kent County for his attendance this Assembly from the 2^d of October till the 19th day of the s^d month in all 18 dayes 2520 l tob: and for his Itenerant charges comeing and goeing two dayes at 80 l tob: p day 160 l tob: in all 2680 l tob:

Allowed Coll^o John Hinson one of the Delegates for Kent County for his attendance ten days 1400 l tob. and for his Itenerant charges comeing and goeing two days at 80 l tob: p day 160 l tob: in all 1560 l to.

Allowed Major John Hamond one of the Delegates for Ann Arundell County for his attendance this Assembly from the 2^d day of October to the 19th day of the s^d month in all 18 dayes 2520 l tob:

Allowed Major Edward Dorsey one of the Delegates for Ann Arundell County for his attendance this Assembly from the 2^d day of October untill the 19th day of the s^d month, in all 2520 l tob, 18 dayes.

Allowed Cap^t Richard Hill one of the Delegates for Ann Arundell County for his attendance this Assembly from the 2^d day of October till the 19th day of the s^d month in all 18 dayes 2520 l tob.

Allowed Mr James Saunders one of the Delegates for Ann Arundell County for his attendance this Assembly, 15 dayes, 2100 l tob.

p. 43 Allowed Mr Thomas Greenfield one of the Delegates for Calvert County for his attendance this Assembly from the 2^d of October till the 19th day of the said month in all 18 dayes 2520 l tob: and for his Itenerant charges comeing and goeing 2 dayes at 80 l tob p day 160 l tob, in all 2680 l tob:

Allowed Mr George Lingham one of the Delegates for Calvert County for his attendance this assembly from the 2^d October till the 19th day of the s^d month in all 18 dayes 2520 l tob, and for his Itenerant charges coming and goeing two dayes at 80 l tob p day 160 l tob: in all 2680 l tob:

Allowed Mr Thomas Tasker one of the Delegates for Calvert County for his attendance this assembly from the 2^d

of October till the 19th day of the s^d month in all 18 dayes 2520 l tob: and for his Itenerant Charges comeing and goeing 2 dayes at 80 l tob: p day, 160 l tob: in all 2680 l tob: Original
Journal.

Allowed M^r Edward Boothby one of the Delegates for Baltimore County for his attendance this assembly from the 2^d October till the 19th day of the s^d month in all 18 dayes 2520 l tob: and for his Itenerant charges Comeing and goeing four dayes at 80 l tob: p day 320 l tob. in all 2840 l tob:

Allowed M^r Francis Watkins one of the Delegates for Baltimore County for his attendance this Assembly from the 2^d of October till the 19th day of the s^d month in all 18 dayes 2520 l tob: and for his Itenerant charges comeing and goeing four dayes at 80 l tob p day, 320 l tob: in all 2840 l tob:

Allowed Major James Maxwell one of the Delegates for Baltimore County for his attendance this assembly from the 2^d of October till the 19th day of the s^d month in all 18 dayes 2520 l tob: and for his Itenerant charges comeing and goeing four dayes at 80 l tob p day 320 l t: in all 2840 l tob.

Allowed M^r Robert Smith one of the Delegates for Talbott County for his attendance this assembly from the 3^d of October till the 11th day of Octob: in all 8 dayes 1120 l tob. and for his Itenerant Charges comeing and goeing 4 dayes at 80 l tob: p day, 320 l tob. in all 1440 l tob.

Allowed Major Thomas Smithson one of the Delegates for Talbott County for his attendance this assembly from the 2^d of October till the 19th day of the s^d month in all 18 dayes 2520 l tob: and for his Itenerant charges comeing and goeing four dayes at 80 l tob p day 320 l tob. in all 2840 l tob:

Allowed M^r John fferry one of the Delegates for Baltimore County for his attendance this assembly from the 2^d of October till the 19th day of the s^d month in all 18 dayes 2520 l tob: and for his Itenerant charges comeing and goeing four dayes at 80 l tob. p day 320 l tob. in all 2840 l tob:

Allowed M^r Thomas Dickson one of the Delegates for p. 44
Sumersett County for his attendance this assembly from the 4th day of October till the 19th day of the s^d Month in all 16 days 2240 l tob: and for his Itenerant charges Comeing and goeing six days at 80 l tob. p day 480 l tob: in all 2720 l tob:

Allowed M^r John Bosman one of the Delegates for Sumersett County for his attendance this assembly from the 4th of October till the nineteenth day of the s^d month in all 16 dayes 2240 l tob: and for his Itenerant charges comeing and goeing six dayes at 80 l tob: p day 480 l tob: in all 2720 l tob.

Allowed M^r Matthew Scarborrow one of the Delegates for Sumersett County for his attendance this Assembly from the 6^t of October till the 19th day of the s^d month in all 14 dayes 1960 l tob: and for his Itenerant charges comeing and goeing six dayes at 80 l tob p day, 480 l tob in all 2440 l tob:

Original Journal. M^r John Pollard one of the Delegates for Dorchester County for his attendance this Assembly from the 4th of October till the 19th day of the s^d month in all 16 dayes 2240 l tob: and for his Itenerant Charges Comeing and goeing six dayes at 80 l tob: p day 480 l tob: in all 2720 l tob:

Allowed M^r Thomas Ennalls one of the Delegates for Dorchester County for his attendance this Assembly from the 4th of October till the 12th day of the s^d month in all 9 dayes 1260 l tob: and for his Itenerant charges comeing and goeing six dayes at 80 l tob: p day in all 1740 l tob:

Coll^o Casparus Herman one of the Delegates for Cæcill County allowed for his attendance this assembly from the 2^d of October till the 10th day of the s^d month in all 8 dayes 1120 l tob: and for his Itenerant charges comeing and goeing four dayes at 80 l tob: p day 320 l tob: in all 1440 l tob.

Coll^o William Peirce one of the Delegates for Cæcill County allowed for his attendance this assembly from the 2^d of October till the 19th day of the s^d month in all 18 dayes 2520 l tob: and for his Itenerant charges Comeing and goeing four dayes at 80 l tob: p day 320 l tob: in all 2840 l tob.

Coll^o S^t Ledger Codd one of the Delegates for Cæcill County allowed for his attendance this Assembly from the 2^d of October till the 19th day of the s^d month in all 18 dayes 2520 l tob: and for his Itenerant Charges comeing and goeing four dayes at 80 l tob p day 320 l tob: in all 2840 l tob:

Allowed Major John Thompson one of the Delegates for Cæcill County for his attendance this Assembly from the 3^d day of October till the 19th day of the s^d month in all 17 dayes 2380 l tob: and for his Itenerant charges comeing and goeing four dayes at 80 l tobaccoe p day 320 l tobaccoe in all 2700 l tob:

p. 45 The Co^mittee adjourns till to morrow morning at Eight of the Clock.

Thursday October the 17th 1695.

The Co^mittee mett again. Present

M^r Robert Mason, Chairman

Major Thomas Smith	}	M ^r ffrancis Watkins	}
M ^r Thomas Greenfield		M ^r John Pollard	

Nicholas Sporne his account examined and allowed for the Doorekeepers accommodations & Lodgeing 500 l tob.

M^{rs} Rachell Prostor her account examined for the expences of Coll^o Charles Hutchins upon the agreement with the workmen and allowed to Cap^t William Holland Sherife the last sessions of Assembly as by the Journall appears.

Allowed Henry Carter of Ann Arundell County for glazing the Court house 200 l tobaccoe. Original Journal.

Allowed M^r Edward Jones of Cæcill County for his attendance as a Justice of the Provinciaall Court in October 1695, 12 dayes 1680 l tob; and four dayes for Itenerant charges comeing and goeing at 80 l tob: p day 320 l tob: in all 2000 l tob:

M^{rs} Rachell Prostor her accompt examined and allowed for workemens accomodations 1737 l tob.

The Committee adjourns till to morrow morning at eight of the Clock:

ffriday October the 18th 1695.

The Comittee mett again. Present.

M^r Robert Mason, Chairman

Major Thomas Smith	}	M ^r George Lingham	}
M ^r Thomas Greenfield	}	M ^r John Pollard	}

Allowed M^r William Hatton of Charles County for his attendance as a Justice of the Provinciaall Court in October 12 Dayes 1680 l tob: and four dayes for his Itenerant charges comeing and goeing at 80 l tob. p day 320 l tob: in all 2000 l tob:

Allowed Coll^o Henry Jowles for his Attendance in Councill from the 3^d of October till the 19th day of the s^d month in all 17 dayes 2550 l tob: and for his Itenerant charges Comeing and goeing four dayes at 80 l tob: p day 320 l tob: in all 2870 l tob:

Allowed Coll^o John Addison for his attendance in Councill from the 3^d of October till the 19th of the s^d month in all 17 dayes 2550 l tob: and for his Itenerant Charges comeing and goeing four dayes at 80 l tob: p day 320 l tob: in all 2870 l tob:

Allowed Coll^o Nicholas Greenberry for his attendance in Councill from the 2^d day of October till the 19th day of the s^d month in all 18 dayes 2780 l tobaccoe

Allowed Coll^o Charles Hutchins for his attendance in Councill from the 4th day of October till the 19th day of the s^d month in all 16 dayes 2400 l to: and for his Itenerant charges Comeing and goeing six dayes at 80 l tob: p day 480 l tob: in all 2880 l tobaccoe p. 46

Allowed Coll^o David Browne for his attendance in Councill from the 4th of October till the 19th day of the s^d month 16 dayes 2400 l tob: and for his Itenerant charges Comeing and goeing 6 dayes at 80 l tob: p day 480 l tob: in all 2880 l tob:

Allowed Coll^o John Courts for his attendance in Councill from the 3rd of October till the 19th day of the s^d month in all

Original Journal. 17 dayes 2550 l tob: and for his Itenerant charges comeing and goeing four dayes at 80 l tob: 320 l tob: in all 2870 l tob:

Allowed M^r Thomas Brookes for his attendance in Councill from the 3^d of October till the 19th day of the s^d month in all 17 dayes 2550 l tob: and for his Itenerant charges Comeing and goeing two dayes at 80 l tob: p day 160 l tob: in all 2710 l tob.

Allowed M^r James frisbury for his attendance in Councill from the 2^d of October till the 19th day of the s^d month in all 18 dayes 2780 l tob: and for his Itenerant charges Comeing and goeing 6 dayes at 80 l tob: p day 480 l tob: in all 3260 l tobaccoe.

Allowed M^r Henry Denton Clerke of the Councill by Order of the House for his attendance in Assembly September 1694, and in full of all accompts to this day 6000 l tob:

Allowed by order of the house to M^r Thomas Dawes minister of St George's Parish for his attendance on the Assembly 3000 l tob:

Allowed by order of the house to Cleborne Lomax for his attendance in ffebruary Assembly 1000 l tob:

Allowed by order of the House to M^r Thos. Tasker 4000 l tob.

Allowed by order of the House to Orlando Greenslade further upon his petition 600 l tob:

Allowed Major Edward Dorsey further upon his accompt being not allowed before for hoes, axes, spades and one sett of wedges 450 l tob: and one iron pott 188 l tob: in all 728 l tob:

M^{rs} Esther Gross of Ann Arundell County her accompt examined and allowed for the Expences of the Comittee of Agrievances 890 l tob: and for the vse of a room for them 400 l tob: in all 1290 l tob:

Allowed ditto Gross her accompt being regulated and examined for the expences of the comittee of Laws and two clerkes that attended upon them and the vse of a Roome 3120 l tob:

Allowed Cap^t Richard Hill by order of the house for his land over and above the Virdict of the Jury 5000 l tob:

Allowed M^r John Larkins upon his account for the Expences of Cleborne Lomax in Comeing up to attend the Assembly in May &c Oc^t 214 l tob:

p. 47 Allowed Coll^o Casparus Herman towards the building of the State House 100000 l tob: and abated out of the same 4000 l tob: for the House hee purchased of the Countrey Rests due him 96000 l tob:

William Coopers accompt to M^{rs} Prostor rejected and referred to her to pay.

Stephen Blatchfords accompt to M^{rs} Prostor rejected and referred to himself to pay &c.

Daniell Cammin upon his petition by order of the house allowed 900 l tob: for his worke about the Town. Original Journal.

M^r Henry Denton his accompt of Expences due to James Browne Regulated and allowed ditto Browne for the same 20 l tob:

Expences of Cleborne Lomax Clerke of the Co^mittee from the 4th of October till the 18th day of the s^d month 1067 l tob:

William Cooper his accompt due to James Browne rejected and Referred to himselfe to pay.

Stephen Blatchford his accompt due to ditto rejected and referred to himselfe to pay.

M^r Kenelm Chesoldyn allowed by order of the house for his attendance in the Court of Chancery 12 dayes at 140 l tob: p day 1680 l tob:

Major Edward Dorsey allowed by order of the House for his attendance in the Court of Chancery 12 dayes at 140 l tob: p day 1680 l tob:

Allowed Major Edward Dorsey one of the Delegates for Ann Arundell County for his attendance in ffebruary and May Assembly 15 days 2100 l tob:

Major Thomas Ennalls one of the Delegates for Dorchester County allowed for his attendance in Assembly in May 12 dayes 1680 l tob: and for his Itenerant charges comeing and goeing six dayes at 80 l tob: p day 480 l tob: in all 2160 l tob:

Allowed M^r Thomas Hicks one of the Delegates of Dorchester County for his attendance in Assembly May 12 dayes 1680: l tob: and for his Itenerant charges comeing and goeing six dayes at 80 l tob p day 480. l tob. in all 2160 l tob.

Allowed M^r William Hutchison one of the Delegates for Charles County for his attendance in Assembly in May 8 dayes 1120 l tob. and for his Itenerant charges Comeing and goeing four dayes at 80 l tob: p day 320 l tob: in all 1440 l tob:

M^r Vanswearingens accompt examined and allowed for the expences of the Co^mittee 848 l tob.

Allowed ditto Vanswearingen for M^r Daues his Expences 195.

Coll^o William Peirce one of the Delegates for Cæcill County Allowed for his attendance in ffebruary and May Assemblys dayes.

Allowed ditto Peirce for Itenerant charges. comeing and goeing four dayes in ffebruary and four dayes in May Assembly 640 l tobaccoe. p. 48

M^r Vanswearingen's account Regulated and allowed for M^r Bladen Clerke of the House his expences from the 4th of October till the 18th day of the s^d month 969 l tobaccoe.

The Co^mittee adjourns to the house.

The
Following Laws were made in
October 1695

An Act for laying an Imposition on Severall Commoditys Exported out of this Province.

Be it Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this Present Generall Assembly and the Authority of the same That from and after the publication hereof no person or persons whatsoever Inhabiting or residing within this Province shall Exporte any furr or skinns within this Act hereafter mentioned and Expressed for England or any his Maties Plantations here in America but what he she or they shall pay unto his Sacred Maty and his Successors to be Employed Towards the maintenance of a ffree schoole or schools within the Province a^d the severall Dutys and Imposts hereafter following that is to say for every Bear Skin nine pence sterling for Beaver four pence p skin for Otter three pence p skin, for wild Catts, foxes, Minks ffishers and Wolf skins one peny half peny p skin for Muskratt four pence p Dozen for Racoons three farthings p skin for Elk skins twelve pence, p skin for Dear Skinns drest or undrest four pence p skin for young Bear and Cubb Skinns two pence p Skin and That all non residents from and after the publication aforesaid That shall Exporte out of this province aforesaid any ffurrs or skins herein before mentioned and Expressed for England or to any his Maties Plantations as aforesaid shall for every Skinn or ffurrs by him Exported of what nature or quality soever being Comprized within this Act pay unto his Maty or his Successors for the use aforesaid double the duty by this Act Appointed to be paid by persons Inhabiting and resideing within this Province as aforesaid the same severall Impositions to be Collected by the severall and respective Navall Officers within this Province which said Navall Officers shall once a year render an Acc^t of the said Imposition to the Governors Trustees and Visitors of the aforesaid ffree schoole or schools for the time being who shall & are hereby Authorized and Impowered to Order and dispose of the same for the uses Intents and purposes aforesaid and to the end the severall Impositions may be Justly and duly paid without fraud or deceit.

Be it Enacted by the Authority aforesaid That any person or persons whatsoever Exporting any furr or Skinns out of this Province shall att or before the shipping on Board of such Vessel in which such Skinns or furr shall be Exported as aforesaid render upon Oath an Accompt of the nature Quantity and

Quality of the said skinns by him her or them Exported as aforesaid & whether the same be his her or their proper Goods and Comoditys or the goods and comoditys of any other person or persons then whether he she or they to whom they properly belong as aforesaid be Inhabitants or Residents of this Province afores^d which said Oath shall be Exhibited by the severall and respective Navall Officers or their Deputys thereunto Especially appointed and if any pson or persons whether Inhabitants or non residents shall put on Board any ships or other Vessell any furs or skins for which he she or they shall not have paid the Imposition aforesaid or given Good and sufficient Caution for the same to the navall Officer of such Porte and place from whence such furs and skins shall be Shipt as aforesaid or to his Deputy for the time being & a Certificate from under the hand of such Navall Officer or his Deputy produce for the payment or Caution by him given for the payment of the Imposition aforesaid he she or they so offending shall forfeitt and loose all his her or their furs or skinns so Shiped as aforesaid one halfe thereof to his said Maty and his Successors for the use aforesaid the other halfe to him or them that shall Informe and sue for the Same to be recovered by Action of Debt Bill Plaint or Information wherein no Essoyn Protection or wager of Law shall be allowed And that the M^r of any such Ship or Vessel that shall Willingly or knowingly take on Board his said Ship or Vessell any furs or Skinns as aforesaid for which the party or partys Shipping the same shall not produce a Certificate as aforesaid being thereof Lawfully Convict shall forfeitt and pay the sume of five Thousand pounds of Tobacco one halfe thereof to his Sacred Maty and his successors for the use aforesaid the other halfe to him or them that shall Informe and sue for the same to be recovered as af^d and th^t the Severall and respective Navall Officers of the severall & respective Portes may and are hereby Authorized & Impowered when and as often as he or they shall think fitt to Enter into any Ship or Vessell Tradeing to and from this Province or into any house Warehouse or other building and open any Trunk Chest Cask or fardle and Search to make in any part or place of such Ship or Vessell houses or buildings as af^d where such Navall Officer shall suspect any such furs or Skinns to be as aforesaid for which no Account is given or Duty paid as aforesaid and upon finding any such furs or skinns unqualified for Exportacōn as aforesaid them to seize and have Condemned as by this Law is before directed And be it further Enacted by the Authority aforesaid by & with the Advice and Consent aforesaid That from and after the publication hereof as aforesaid all persons not being inhabitants of this Province Exporting out

Lib. L. L. 2

p. 100

p. 101

Lib. L. L. 2 of the same any Beeff Pork or Bacon shall pay unto his Sacred Maty and his Successors for the use in this Act before mentioned and Expressed the Severall Imposts following (that is to say) for dryed Beeff and Bacon twelve pence the hundred weight & so proportionable for greater or lesser quantity and for Beeff and Pork undryed twelve pence the Barrell each Barrell to Containe two hundred weight And that no undryed Beeff and Pork be Exported out of this Province but in Casque as af^d which said sev^rall Impositions shall be Collected and Gathered by the said Severall and respective Navall Officers who shall be accomptable for the same & have authority to Enter any Ship or other Vessell as aforesaid and to make search for every such Prohibited Goods as aforesaid in such method and manner as in this Act is before mentioned & Expressed and if any person whatsoever being non resident as afores^d shall put on Board any Ship or Vessell any Beeff Bacon or Pork for which he she or they shall not have a Certificate as aforesaid or that shall ship on Board any Beeff or Pork undryed not being in cask as aforesaid such person or persons so Offending shall forfeit and loose all his her or their meat so shipped as aforesaid one halfe to his said Maty and his successors to the use aforesaid the other halfe to the Informer to be recovered as

p. 102 af^d and every Master of a Ship or other Vessell That shall wittingly or knowingly take on Board his said Ship or Vessell any Beeff Bacon or Porke Contrary to the true intent and meaning of this Act being thereof Lawfully Convict shall forfeit and pay the sume of five Thousand pounds of Tobacco one halfe thereof to his said Maty and his Successors for the use and the other halfe to the Informer or him or them that shall sue for the same to be recovered as aforesaid and for the better understanding what persons shall be adjudged non residents it hereby declared and Enacted by the Authority aforesaid That all persons whatsoever Tradeing To and from this Province shall be adjudged Deemed and taken as non Residents not haveing a Seated plantation of fifty Acres att the least whereon he or she with their family (if any) have resided for and dureing the space of one whole year and that within the time and terme of twelve months before any benefit Claimed in and by Virtue of this Act or that hath or shall hereafter have an house in some Porte or Town as his or their proper ffreehold being fourty foot in Length and twenty foot in breadth with two Brick Chimneys to the same wherein he she or they shall have resided for and dureing the space of one whole year as af^d and that no such person or persons Trading to and from this Province haveing houses in any Town or porte within the same whereby he she or they may Claime any

benefitt or freedom in this Act given to the Inhabitants thereof Lib. L. L. 2
shall have hould or enjoy such benefitt and Priviledge as p. 103
aforesaid any longer then he she or they or his her or their
family shall in such Porte or Town Actually inhabitt and reside
Provided allways That it is the True intent and meaning of
this Act That no person or persons whatsoever as shall Trade
directly from England hither be Construed reputed Deemed
or taken as forreigners but That all and every such persons so
Tradeing directly from England to this Province as aforesaid
have free liberty in the Exportation of any Skins or furs what-
soever or in the Exportation of any meat dried or undried
Equall with the Inhabitants of this Province paying such
Dutys & Impositions for the said Severall and respective
Comoditys as this Law hath Imposed upon the Inhabitants as
aforesaid and no more And be it also further Enacted by the
Authority aforesaid by and with the advice and Consent afore-
said That one former Act of this Province Intituled an Act
for the laying an Imposition on Severall Comoditys Exported
out of this Province be and is hereby repealed Provided always
and it is the True intent and meaning of this Act That no
person or persons whatsoever haveing in any part Trans-
gressed against the afores^d Law dureing the time it was in
force being as yett undiscovered or unprosecuted for the same
shall have and receive any benefitt or Advantage by the repeale
thereof but that upon the Prosecution or discovery of such
person or persons so haveing Offended as afores^d the s^d Law
shall be pleadable in any Court within this Province where in
any plaint or information shall be brought ag^t any such person
or persons as aforesaid and judgem^t thereupon by the justices
of the said Court Given as the Nature of the Case shall require
in as full and ample maⁿer as though the said Law att the
time of the Prosecution aforesaid were then Actually in force
any thing before mentioned or recited to the Contrary hereof
notwithstanding.

An Act for the Securing Person's Rights To Town Lands. p. 104

Whereas it is represented to this Generall Assembly That
Severall persons of this Province and others that have taken
up Lotts in Severall Town's Lands laid out and Surveyed for
Towns according to the directions of Severall Laws of this
Province heretofore made that is to say one Law made att a
Generall Assembly held att the Ridge in Ann Arundell
County the Second day of October one Thousand Six hun-
dred Eighty three Entituled an Act for Advancem^t of Trade

Lib. L. L. 2 and one other Act made att a Gen^l Assembly held at S^t Marys the first day of Aprill one Thousand six hundred Eighty four Entituled an Additionall and Supplementary Act to the Act for Advancem^t of Trade And one other Act made att a Generall Assembly held att the Citty of S^t Marys the 27th day of October Entituled a further Additionall Act to the Act for the Advancem^t of Trade and the Supplementary Act of the same as by the same Severall Acts of Assembly remaining upon Record in the Secrys Office of this Province may Appear and Notwithstanding severall persons who relying

p. 105 and depending upon the benefitts and priviledges in the said Laws granted have taken up Lotts in the said Towns Entred them and paid for them or were ready to pay for them as the Law directed and have built and Improved thereon Yett they are now threatened disquietted and disturbed by the persons Claiming right to the said Lands upon pretence that because that the said Acts are since repealed the Titles of such Takers up builders & Improvers are destroyed and dye with the said Acts of Trade Contrary to the true sence or rationall Construction of the same Laws or any other of like Nature to prevent therefore and to take off all unnecessary Scruples and doubts thereof Be itt Enacted by the Kings most Excellent Matys by and with the Advice and Consent of this present Generall Assembly and the Authority of the same That all and every person or persons that dureing the Continuance of the before mentioned Act of Assembly did take up pay for or tendered or were ready to pay for any Lott or Lotts of Land in any Town land layd out and allotted for Town Lands by the former Laws or any of them and the same Lott made due Entry thereof and hath built and Improved upon the same and followed the directions of the above mentioned Laws they the said person and persons so takeing up Entring building on and followed the directions of the said Laws their heires & Assignes shall have hold and Enjoy a good sure indefeazable Estate of Inheritance in fee simple of in and to every such Lott and Lotts of Land so taken up and built on at aforesaid according to the said Laws directions to them and their heires forever as fully Largly and Amply to all Intents and Purposes as if the said former Laws were still in force or had never been repealed Provided allways That where any person or persons that hath so taken up Built and Improved and

p. 106 hath not paid the price sett upon the same That every such person is hereby enjoyned to pay the said Value of the said Lott to the Owner and Claimer of the said Land upon Demand without fraud or Covin.

An Act for the Naturalization of Michael Curtis and Lib. L. L. 2
others.

Be it Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this present Gen^l Assembly and the Authority of the same That Michael Curtis of S^t Mary's County Gentleman, Alexander Forbes of Talbott County and John Hans Steelman and John his son of Cæcill County be by this Present Act Naturalized and entituled to enjoy all rights and Priviledges whatsoever within this Province as any Naturall borne Subjects of this Province might Could or ought to do and shall be Capable to sue or be sued to defend or be defended and they and their heires shall and may enjoy any Lands Tenements Rents or Hereditaments whatsoever to which they shall or may in any wise be intituled to as if they and every of them were or had been naturall borne Subjects of this Province any Law usage or Custom to the Contrary notwithstanding.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

*At a Session held at Annapolis,
April 30—May 14, 1696.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

FRANCIS NICHOLSON,
Governor.

THE UPPER HOUSE.

At a Council in a General Assembly met and held at the U. H. J.
Port of Annapolis the last day of April in the eighth year of ^{p. 850}
the reign of our Sovereign Lord King William the third &c.
Annoq Domini 1696 and their Continued until the 14th day of
May after being the fifth Sessions and by his Excellencys
proclamation (bearing date the 4th day of March past and was
Prorogued until that day.

Present

His Excellency Francis Nicholson Esq^r Captain General

	Col ^o George Robotham	} .
the honble	Col ^o Nicholas Greenberry	
	Col ^o Charles Hutchins.	
	Col ^o David Browne	

His Excellency is pleased to go up attended with the Gentlemen of his Majestys honble Council to the Place where the State House is building the Clerk being Ordered upon a Message to the House of Burgesses to acquaint them with his Excellencys Pleasure that they are required to attend there likewise and see how they approve of the foundation of the said State House as now laid who Accordingly came up and view and measure the Length and Breadth thereof and thickness of the Walls and do well approve and finds the same to be according to Contract.

Ordered that the Bricklayers give an Account in Writing under their hands what manner of a Soil the said foundation stands in and in what places they have drove down Stakes for making the Foundation firmer and that the said Account be entred as well in the Journall of the House as of this Board to remain upon Record to Posterity

The members of the House of Burgesses having received directions to repair to their House take Leave Accordingly and go His Excellency signifying at their departure that some business should be sent them presently by the Clerk in relation to the aforementioned State House

Sent by the Clerk of this Board the several following Proposals in Order to be laid before the House of Delegates and Burgesses for their Consideration &c.

U. H. J. Proposed that a Law or Ordinance of Assembly pass for the seperate Roomes to be made in the new State House for the several Offices viz^t for the Provinciaall Offices Land Offices Commissarys Office County Courts Office & Clk of the Councils Office and that a Bar be placed at the door of each Office within which no Person whatsoever shall Come save the Clerk & that no Clerk carry any Record Book or Publick Papers out of their respective Offices without sent for by his Excellency the Governor or Assembly

p. 851 That there be two or three Jury Rooms made and a Passage through the midst of the House so that on one side the said Rooms may lye & On the other side the Offices and at the end of the Passage will be the Entrance into the Porch Chamber by which means all the Rooms will be Private.

That Dutch Stoves be sent for to be kept in the Offices that the Court House Table have several Boxes made in it for ready laying by or securing the Clerks and Lawyers papers that there be a Contrivance within the Bar for the Grand Jury to keep together in, a Seat made for the Cryer to sit Above the rest of the People an Outer Bar for the witnesses and a Step or two for the Witnesses to be seen above the rest and one or two Galleries

That the Court House be paved at least six foot round that Good store of Oyster Shells be laid round the House especially at the lower end where it is most sandy and that the Pavement Come upon that to be laid with a descent to Carry the water off every way that the said House be pailed in at the same distance the Porch bears from it that at some distance from thence several Posts be set up to Hang Horses on to Contrive a Pissduit and House of Office some where near the State House.

That a Chimney be Carried up at the other end of the State House from the first Storey above &c.

To have the back Porch as big as the Fore Porch.

Quere how the Clerks can go up to their Offices in Assembly time without Going through the Place where the Assembly sits

To have a Place built upon Pillars betwixt the State House with a Room above for the Council to sit in

To be left upon Record what Parts of the Foundation of the State House are Piled what manner of Earth the said Foundation consists of and that the Acco^t be Given by the Bricklayers

Quere Whether or no a Pulpit and a Reading Desk cannot be now made for to serve in the said State House at Present and which may serve for the Church hereafter in the Church to be built

That in the Chimneys that are to be made in the State U^{H. J.} House there be no manner of Wood placed About or nigh the same if Possible but that they be done with all the security Imaginable

That the said House be Shingled upon Planks and not upon Laths

Came M^r Speaker the House being risen together with ^{p. 852} three of the members thereof who acquainted his Excellency that the House had received his Proposals sent by the Clerk and that they had appointed a Committee of four of their members to Consider of the same and with all desired that two of his Majestys honble Council might be Joyned to them to advise and Assist therein the said Committee being appointed to sit by seven of the Clock the next morning

His Excellency does say that two of the Councill shall be sent

Friday May the 1st 1696.

The Council Again sate and were Present as Before with the addition of the honble James Frisby Esq^r

This Board being Informed from the House that the Committee yesterday Appointed about the State House were to sit at M^r Blackwells his Excellency is pleased to Appoint the honble Col^o Geo Robotham and Col^o Charles Hutchins for to Join with the said Committee for their Assistance and Advice according to the request and Advice of the House giving directions for their adjournment from that Place to the Council Chamber who accordingly took leave & went

They return together with the Committee appointed viz^t Major Hammond Major Dorsey M^r Pollard and M^r Jenkins

His Excellency was pleased to ask them whether anything had been done as yet towards those Proposals laid before them who answer that no Result has been made therein as yet.

The said Proposals were by Order read over and after some discourse upon the same had his Excellency does advise that they send for the Bricklayers and the Carpenters for to Consult them what Charge the work in the said Proposals Contained will Come to and thereupon the said Committee took Leave and departed

Came from the House of Burgesses Captain Tasker and Major Thompson who presented M^r Francis Jenkins one of the Burgesses lately Chosen for Somerset County in Order to be sworn and the said Jenkins had administered unto him the Oaths Appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy & subscribed to the Test.

U. H. J. Came from the House of Burgesses Major Thompson & M^r Clark who signify the request of the House that his Excellency would be Pleased to send some of the Gentlemen of his Majestys honble Council with Power to swear a member of their House lately returned to serve for Talbot County and it is told them that some shall be sent

p. 853 Several Proposals being read over at the Board as likewise sundry letters and Papers by his Excellency received from his Excellency the Governor of New York since the last Sessions of Assembly in relation to the Giving further Assistance to that Government together with his Excellencys Answers to the said Letters

Ordered that the honble Col^o George Robotham Col^o Nicholas Greenberry Col^o Charles Hutchins and Col^o David Browne go down to the House with the aforementioned Proposals Letters Papers and Answers and lay the same before them for their Consideration and that they signify how that his Excellency would have sent for the several members up to have discoursed them but that he is at present indisposed therefore has sent these Gentlemen to do the same who also have received Orders for to Swear the member returned for Talbot County pursuant to the request of the House.

The honble Col^o John Courts Came and was Added Ordered that the Clerk of this Board attend the said Gentlemen of the Council who Accordingly took Leave and went with the said proposals and Papers &c which said Proposals follow in these words viz^t

1 The Order of Council of the 17th of August 1695 about seating the Indian Land stands referred by the House to the Consideration of this Assembly

2 The Report of the Committee appointed to state the publick Revenue in May 1695 and the addressing his Majesty that the Quarter part of the same due from Governor Copleys Estate may be appropriated to the defraying the necessary Charge of this Province stands also referred as before

3 Whether Skins and furs brought out of Pensylvania and Shipt here Ought not to pay the duty &c. which appears by the House referred to the Consideration of the Committee of Laws but no answer thereto

4 To make a Proposition to have a Bridewell and to see if any Person will Undertake to build and Keep it that all idle and Vagrant Persons may be taken up and put to work there and the Party or Parties undertaking the said House to have a lease of it for so many years

5 That a Law be made for the Justices of the County Courts to return yearly a Copy of their County Leavies to be signed by the several Justices as also the Vestries to send a Copy

of their whole Proceedings as by them kept to the Governor U. H. J. and Council in Order to be Examined and so to be done yearly to be signed by all the Vestry men and Church Wardens first for fear of any Accident by Fire that recourse may be had to them here 2^{dly} That it may be seen whether they keep their Account right and that after such Examination they be transmitted into the Court of Chancery thereto remain p. 854

6. That an Explanatory Law be made how the Clerks of the Vestries and parishes shall be paid

7. To have a Severe Law made against Persons that take up Wild Horses and keep them that persons meeting with waif and Stray Horses about any plantations be Obligated to take them up and Carry the same to the next Magistrate who (if the said Horses be taken upon the Western Shore) to send an Acco^t thereof to the Port of Annapolis with the Colvin mark and size &c and if on the Eastern Shore to the Port of William Stadt and Encouragement to be Proposed to the Takers up.

That a Clause be Added to the Act appointing Ferries that no led Horses be Ferried over Potomack River but such as shall have particular passes and that the Ferry men be Cautious how they sett over any Ordinary Person with a Good Horse.

8 To Strengthen the Law for Regulating the Militia according to the former Proposall viz^t in Given them more Power

9 That a Law pass to Effect what his Excellencys proclamation touching Pennsylvania Trade bearing date the 17th of August past and another proclamation prohibiting Seamen Travelling without Passes &c Bearing date the 25th of January following has prescribed

10 That an Act pass that no Testimoniall sent out of England whereby to Prove a Judicial Proceedings be taken for good and Authentick unless the same be signed and come out of the plantation Office

11 That it be put to the Lawyers whether the Customary way of Issuing out Commissions in Chancery for Examining Witnesses in Perpetuam rei memoriam to prove the Antient Bounds of Lands within this Province ought to be taken and held for Legal Proof & whether many inconveniences may not Arise through admittance of such Proof

12 That part of the Revenue taken by his Excellency Sir Edmond Andros when he assumed the Government here to be enquired into and examined by the House

13 That a Law be made for Parents to bring their Children frequently to be Catechized and that the Ministers call upon them according to the Proposall made in September Assembly Anno 1694.

U. H. J. 14 That the Frontire Plantations be seated with three or four able hands as formerly proposed

p. 855 15 That for regaining the Publick Credit of the Country his Excellency formerly in May Assembly does now again Propose that all Publick Levys and fees be made out and sent by such a Certain time of the year to the Sheriff and that there be appointed two three or more substantial Persons in every County who will undertake to bring all such Tobacco to two or three Certain places in the said County and they to be Continued to execute the Office of Sheriff for six or seven years together.

16 That a law be made to ascertain all Lands taken up in the Province According to Proposall made also the said Assembly.

17 That a Conditional Law be made about Runaway Servants and Debtors running out of this Province into Virginia for taking such Runaways up and Liberty to sue &c. Provided a Reciprocall Law be made for the same in Virginia according to Proposals in May Assembly also

18 That new Ports be made as in the said Assembly was likewise proposed.

19 That such Horses are Allowable by the Law to be killed instead thereof taken up and sold for the use of the Poor of the Parishes &c as then also proposed

20 That there be a Person appointed to execute the Office of Muster Master or Agitant on each side the Bay who shall be Obliged to Muster and see Exercised the several Troops and Companies six times every year besides the General Muster and that two Pounds of Tobacco p Poll be settled upon each of the said Officers as then likewise Proposed.

21 That what money is Already received by the duty upon furs &c be laid out towards the Building a small School House and maintaining a School Master according to Proposall made to the House last Assembly

22 That an Ordinance Pass for the Leavy to be laid by the Governor and Council and Justices of the Provincial Court in the fall

23 That a Law be made that what Priests hereafter come into the Country be Obliged to produce their Orders in such a time and that they presume not to marry any Protestant to a Papist without receiving a Certificate from some minister of the Church of England of such Protestant being married by a Minister of the said Church first

24 His Excellency finding that the Inhabitants of Somerset County are still dissatisfied and cannot yet agree about Placing of the Court House within the said County does therefore propose that the said County be divided into two

Counties viz^t the sea board Side to make one County and the U. H. J. Bay side the other.

25 That the Committee by a Resolve of this House p. 856
appointed in May Assembly last to inspect the Account of the
1^s p hhd since the Revolution their Report be Examined and
taken into Consideration according to the Reference of the
House made last Sessions

26 That Col^o Herman be discoursed with whether the
State House will be Covered before Winter and that he be
Obliged to secure the same safely from the Winter before that
time if he cannot finish the same

27 Whereas it hath pleased Almighty God to prosper
his Majestys Forces both by Land and Sea proposed that a
day be Appointed to be set Aside for the same According to
an Order of Council last March especially for the happy news
of his Majestys Safe return being suspended until now for the
more Solemn Performance thereof

28 That a Clause be incerted in the Act for Towns that
no Person coming to the Port of Annapolis be arrested within
that Port unless his Stay shall Exceed Forty eight Hours and a
Penalty be inflicted upon the Officer transgressing therein

29 That some Priviledges be given to them that are or
shall be inhabitants of the said Port and Town at present or
shall come within two years hereafter & actually reside within
the same for seven years together thence next ensuing
shall themselves with their Posterity have and enjoy all Privi-
ledges now to be Granted or which hereafter at any time shall
be Granted forever and to find out some way or other to En-
courage them it is proposed that no Inhabitant of the said
Port be Liable to be arrested in any County of the Province
or other place save within the Libertys of the said Town and
Port

That the Inhabitants of the Town pay no County Levy nor
have to do with any County Roads Clearing but what are in
or about the said Town

That an Act pass Empowering the Towns People to pur-
chase a Common and for the Commissioners of the said Town
to make by laws with Power to fine any Persons inhabiting
Committing breach thereof in such a sum to be Ascertained.

To Assess the Conduit made at the Publick Charges

That the Common be well Cleared with the Points of Land
and the Place dividing the Common to be well ditched

That an handsome Pair of Gates be made at the coming in
of the Town and two Triangular Houses built for the Ranger
to have the way from the Gates to go directly to the top of
the Hill without the Town and to be ditched on each side and
sett with quicksetts or some such thing

U. H. J. That Part of the Land lying upon the Creek by Major Dorseys house where his Excellency at Present lives be set
p. 857 aside for Publick Builders and if in Case the same happen to come within any of the said Majors Lotts Proposed that Land be given him else where for it

To have a market in Town once a week and a Market House built on which day nobody to be arrested in Town from nine of the Clock in the morning until nine a Clock the next day

To have in the said Town two fairs every year and no Person coming thither to be arrested for one day before the said fair and one day after

That some Order of Assembly be made about the Schools and Church

To Confirm by a Law three or four Roads his Excellency has lately Caused to be made leading to this Town and that the Country be Obliged to keep them

That forty Foot Space be left along the water Side within the Port of Annapolis for any Person to build Warehouses on if the Owners of such Lots as front upon the same do not build thereon in such a time to be set

That the Holes made by Grubbing up Stumps and Cutting of Tops of the Stones &c in the said Port be filled up

The Messengers sent with the aforementioned Proposals and Papers return again to the Board and say they delivered the same and had Administred the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy unto M^r William Hemsley Burgess returned for Talbot County who also Subscribed to the Test

Brought from the House of Burgesses by Captain Tasker Captain Hill M^r Clerk and Major Thompson the following Message viz^t

By the House of Burgesses May the 1st 1696

To his Excellency the Governor in Councill &c.

May it please your Excellency

This House being met according to your Excellencys Prorogation are ready to receive what your Excellency has to Offer to us at Present that we may proceed to the dispatch of the Publick Concern of this Province

Signed p Order
W Bladen Clk assembly

The Messengers are told that severall Proposals & Papers were before their Coming sent and laid before the House for their consideration

Brought from the House of Burgesses by Major Hammond U. H. J.
Major Dorsey M^r Pollard and M^r Jenkins the following Mes-
sage and Report in relation to the State House viz^t

Maryland ss:

p. 858

At a Special Committee Appointed by the General
Assembly of this Province for inspecting into the further addi-
tion to the State House Met at the House of M^r Thomas
Blackwells this first day of May 1695

Present

Major John Hamond Chairman
Major Edward Dorsey }
M^r Francis Jenkins }
M^r John Pollard }

Samuel Watkins Appointed by said Com Clk

The said Committee adjourned to treat with his Excellency
Adjourned for an Hour

Mett Again Present as before

1 It is Reported by this Committee to the said House of
Assembly that a method be taken for the Clerks to go up to
their Offices without going through the House of Assembly.

2 That a Law Pass or an Ordinance of Assembly be made
for seperate Rooms to be built in the State House for the
several Officers viz^t for the Provincial Office Land Office
Commissarys Office County Court Office and Clerk of the
Councils Office and a Bar be placed at the Door of each
Office within which no Person whatsoever shall come save the
Clerk and that no Clerk presume under a Certain Penalty to
Carry any Record Book or Publick Papers out of their respec-
tive Offices without commanded by his Excellency the Gov-
ernor or Assembly.

3 That two Jury Rooms be made and a Passage through
the middle of the House that the Offices be on one side and
the Jury Rooms on the other side

4 That at the end of the Passage be the Entrance into the
Porch Chamber

5 That a Bar be made for the Grand Jury to be kept
together

6 A Seat for the Cryer be made in some Convenient
Place in the State House

7. An Outward Bar for the Prisoners and a Step or two
for the Witnesses to be made

8. That a Chimney be Carried up at the other end of the
State House from the first Storey &c.

U. H. J. 9 The back Porch to be as big as the Fore Porch
 These things we find will be necessary and of use to this Province to be made in the new State House and not Comprized in the Agreement with Col^o Herman

p. 859 Also we further Report that we have discoursed Col^o Herman who demands for making the back Porch 110^l Sterling as for the other additional Conveniences Col^o Herman leave the same to the House to be Considered of and allowed for by the Country when finished

Reported to the House of Assembly
 Sam^l Watkins Clk Com

By the House of Burgesses May the 1st 1696

The House upon Report of the Committee appointed to Consider of your Excellencys Proposall relating to the Additional Conveniences to be made to the new Court House Signify to your Excellency that we are well Satisfied that the same are not Only well designed but really necessary and beneficial however the present Circumstances this Province now lyes under will not admit us to launch out money to carry on the same therefore this House desire Col^o Herman may proceed According to former Agreement

Signed p Order
 W Bladen Clk Assembly

His Excellency is pleased to say that he is sorry the Country is so Poor as not to Comply with the aforesaid Proposals

Ordered that the Clerks belonging to the several Offices within this Port be not obstructed in the least from going to their respective Offices at all time and times so often as their Business shall require and call for their Attendance there notwithstanding the House of Burgesses sitting and that all Persons having Business with the said Clerks be permitted Likewise to have recourse to the said Offices without which the People may be Prejudiced the Provincial Court now drawing on so nigh

Saturday May the 2^d 1696

The Council again Sate and were

Present

His Excellency Francis Nicholson Esq^r Capt Gen^l

the honble {	Col ^o George Robotham	Col ^o David Brown
	Col ^o Nicholas Greenberry	Col ^o John Courts
	Col ^o Charles Hutchins	James Frisby Esq ^r

Sent by the Clerk of this Board from the Honble his Maj-^{ty} U. H. J.
estys Council a message in relation to the Ships now in the
Country drawn up as follows Viz^t

By the Honble his Majestys Council in Assembly May 2^d 1696 p. 860

It being moved at the Board that some Reasons might be
Given upon a Proposall yesterday laid before the House
touching the Ships now in the Country inductive to the
addressing his Excellency for suffering the same to be Cleared
do therefore offer the following Reasons to the Consideration
of the House to the End if the House thinks them sufficient
and proper they may joyn with them in the said Address

Signed p order
H Denton Clk Concil.

The reasons follow in these words viz^t

1 That if the Ships get home his Majesty will get his
Customs

2 The Seamen may be Serviceable to his Majesty when
got home

3 The Worm may Endanger their Ships by staying in
the Country besides Provisions are very scarce here

4 That if the Ships should be stopt to go in a Fleet
together there are but two Londoners of any Force and the
rest lye Scattered in other Parts.

5 It is Observed that Ships that summer here do usually
stay till the next Spring by Reason of mens falling sick in the
Country

He Returns and says he delivered the same

Brought from the House of Burgesses by their Clerk the
following answer viz^t

By the House of Burgesses May 2^d 1696.

Upon Perusall of the Message delivered to the House by the
Clerk of the Council relating to the Ships in the Country we
humbly desire the Opinion of the Honble Council if the said
Ships shall be Stopt or cleared and thereupon we should either
Concur therewith or offer such Reasons to the Contrary as
we humbly conceive will be Satisfactory

Signed p Order
W Bladen Clk Assembly.

The which being read was answered as follows

By the honble his Majestys Council in Assembly May 2^d
1696

U. H. J. This Board has Perused the message of your House by your Clerk sent touching the Ships &c and for answer return that they are of Opinion it will Conduce most to his Majestys Service that the Ships now in the Country be Cleared as they are got ready and for the Reasons already laid before the House which this Board takes to be good Reasons

Signed p Order
Hen Denton Clk Concil.

The said Message sent by the Clerk of this Board who returns and says that the House was Adjourned until Monday morning but that he delivered the same to the Speaker at his Lodgings

May 4th 1696

p. 861 Brought from the House of Burgesses by Major Hammond and Major Dorsey the following answer to the above message sent them from this Board viz^t

By the House of Burgesses May the 4th 1696

The House Concur with the Opinion of his Majestys honble Council that the Ships be Cleared

Signed p Order
W Bladen Clk Assembly.

The which being read as also the Proposals made to the House for the same it is Considered that Hot weather now coming on and the time for the worms biting therefore his Excellency is pleased to demand of the Board whether it may not be most for his Majestys Service that what Ships can be got ready by the last of June may be Cleared as fast as they can be got ready or otherwise to be stopt till the Fleets arrival that such Ships as cannot be got ready by that time may run up into the Freshes to lye secure from the worm the which was well Approved of & an Order to the said Intent drawn up and issued as follows viz^t

By his Excellency the Gov^r & Council May 4th 1696.

Upon Representation and by mature advice in Council & from the House of Burgesses received Ordered that what Ships are now in the Country be Cleared as fast as they can gett ready provided such ships can be ready to sail by the last of June next and that no Ships after the said last of June be Cleared to sail until further Order whereof the several Collectors and naval Officers within this Province are to take due notice and to Conform themselves thereto Accordingly

Captain Barbar Commander of a London Ship being in U. H. J. Town was sent for as also Several Masters and Merchants of Ships who accordingly came and it being proposed to the said Captain Barbar that Considering his Ship was a Ship of Force whether he would undertake to Convoy the Ships now in the Country which can be gott ready to sail to which after some small Liberty Granted he put in the following answer in writing viz^t

Maryland ss^t

In Answer to a Proposall by his Excellency the Governor & Council unto me made relating to the Convoying Ships (now in the Country for England this Comes humbly, to signify that I shall be most ready & Willing to do all the Service in me lyes towards the Convoying the said Ships and will undertake by the blessing of God to Conduct the same to within sixty Leagues of Ireland but dare not Presume so far as to hazard the Prejudicing of my Owners by Going to any other Part then the Particular Business wherein I am intrusted leads me to all which is humbly submitted to by

p. 862

Your Excellencys most humble Servants
Stephⁿ Barber

The other Masters and Merchants after the several discourses and questions put to them withdrew awhile and then came and presented the following Paper viz^t

May it please your Excellency and your honourable Council That Considering our Provisions will fail the Worms harm our Ships and fearing our mens being sick in the summer time and that this Convoy Proposed will not Conduct us nigh our Port but leave us in our Greatest danger and several other inconveniences that will follow upon our being detained longer in the Country we humbly beg that it may please your Excellency & honble Council to Allow us the Liberty of Sailing when we are ready which is the humble request of

Your Excellencys most humble Servants

Thomas Thompson	Joseph Younger
Edw ^d Lamplugh	Jerem. Lewis

At a Council May 7th 1696

Several other Masters and Merchants of Ships came also in Pursuance of a former Summons from this Board and presented the following Petition viz^t

Maryland ss^t

To his Excellency Francis Nicholson Esq^r Captain General & Governor in chief of the said Province &c.

U. H. J. In answer to your Excellencys demands in Council relating to the Ships now in the Country we whose names are hereunder written do in the first Place humbly request that such Ships as concern us being now in a forwardness to sail may be Cleared as soon as got ready and in Order thereto do presume to Offer the following Reasons viz^t

I Our Provisions falling short and finding at present Great Scarcity of such things in the Country will of necessity by staying force us to Great Charge & Extremity

2 The time of year draws on for the Worms biting
which by staying may hazard the loss of our ships

3 We Greatly stand in fear of our mens falling sick as is Customary to strangers Summering in this Country

4 If we should be delayed in our Voyages and our men
sicken upon us our designs would be wholly frustrated there
being no Seamen possible to be had here

p. 863 That as to Captain Barbers Proposall of Convoing the Ships to within Sixty Leagues of Ireland will be no wise Serviceable to us considering we shall be then left in the Greatest danger besides most of us designs north about which is a Contrary way all which is submitted by

Your Excellencys most Obedient &
Humble Servants

John Hamilton	Lawrence Swarbreack
Jos: Peacock	Andrew Malpas
Richard Hill Jun ^r	John Rock

Signed by Philip Haward for John Sanders John Lounge
 John Ribton Mate on behalf of Tho^s Monke Tho^s Sutton
 Signed by Tho^s Sutton for Robert Grason Philip Harwood
 Signed by Tho^s Brane for Abraham Tuckett John Oliver
 Signed by John Watson for Christo Buskill Richard Chesheer
 M^r Dent for Captain Henry Browne
 Signed by James Brown in the Behalf of M^r John Lancaster

The which being read and sundry London Merchants being present were asked if they had any thing to say in Objection thereto but they Objecting nothing It is Ordered this day in Council that the Ships whereof the said Petitioners are masters be Cleared upon the Proviso as in an Order of this Board of the 4th of May Instant relating to Clearing Ships is Expressed.

The Collectors and Naval Officers of Patuxent and Potomack Districts being present were asked if all the Masters &c had had notice who make answer that they all had notice but were not all come Ordered thereupon that no Masters of Ships now

in the Country do or shall reap the Benefit of the aforesaid U. H. J. Order unless they first appear before his Excellency the Governor at Annapolis to give some reasons and demonstrate their willingness to sail in Writing whereof the several Collectors & Naval Officers are to take due Notice and acquaint the the said Masters therewith Accordingly

May the 12th 1696

Proposed that what ships are in the Country and Cannot get ready before last of June be permitted to sail as gott ready unless the Fleet comes in before that time who are then to stay for the Fleet

May the 13th 1696

The said proposall came answered thus viz^t

Assented to by the House

Whereupon was drawn up and issued the following Order p. 864 viz^t

By his Excellency the Governor & Council &c

May 13th 1696.

Upon Representation and Advice in Council & from the House of Burgesses received Ordered that what Ships are in the Country & cannot get ready before last of June be Permitted to Sail as gott ready unless the Fleet comes in before that time who are then to stay for the Fleet whereof the several Collectors and Naval Officers are to take due Notice and Conform themselves thereto Accordingly

May 2^d 1696

Read over the following Proposals and Papers to be laid before the House viz^t

Proposed that the House will Consult whether the 225 Acres laid out at William Stadt for a Town and Common or 200 Acres only Omitting the 25 Acres was intended to stand

That all Fees be settled Viz^t the Chancellors for sealing the Laws

The Attorney and Sollicitor Generals fees

The Collector and Naval Officers Fees Complaint being made that they take more then their due

The Clerk of the Councils fees and the Fees to be taken by the Clerk to the Governor and Council for hearing Appeals & Writt of Error

That the Burgesses allowance be also settled

U. H. J. Quere Whether Provision and Corn be so scarce that it be thought necessary to hinder the Exportation thereof to Virginia least the Fleet expected into this Province should want the same.

That there be an Address sent to his Majesty about the Congratulation and that a Letter be writ to the Arch Bishop and Bishop of London

That a Law be made to Explain Beer Cyder and Wine Measure

That a Law be made against Ordinary Keepers trusting of Labourers and Seamen too much and that some stint be put to the sum

That a Law be made that the Inhabitants of the two Ports of Annapolis and William Stadt may be Exempt from the Penalty of the Act against Forestallers and Regraters and that the said Law may not reach them

Read a Petition preferred by several Merchants relating to Trade &c James Fosters Petition touching keeping a Ferry between the Port and Kent Island

Allen Robinets Petition for his Pay for keeping Severn ferry and two Letters by his Excellency received from Major Whittington of Somerset County

George Williams Petition being all Ordered to be laid before the House for their consideration

p. 865 The Appraisement of the several Boxes made for the Offices is likewise recommended to the House for Allowance

Produced and read also a Return of Captain John Bayne Mr William Hutchinson and Mr Thomas Greenfield concerning the divisional Line run betwixt the divided counties pursuant to the late Act was also referred as above and recommended that some difference happening thereabouts may be rectified

Kent Island petition produced and Ordered to be sent down with the following endorsement viz^t

By his Excellency the Governor & Council &c

May 2^d 1696.

Upon reading the within Petition it was Ordered that the same be sent down but with this note that his Excellency will in no wise Assent to any Alteration contrary to the late Act and that whereas it is insisted upon that they are the most antient County it is Observed that the first People that Inhabited the same did not acknowledge themselves Belonging to this Province and therefore not the most antient County

John Edmunsens Letter to his Excellency touching Land U. H. J. laid out at William Stadt was referred and sent down to the House the 4th of May Instant following

Monday May 4th 1696

The Council Again Sate and were Present as on Saturday.

Produced and read a return from Captain Bayne & M^r John Bigger relating to the divided Counties on the Western Shore as also a Letter by his Excellency Received from M^r Mason touching the same were by Order laid before the House for their consideration

Brought from the House by Major Smithson M^r Frisby Col^o Pierce & M^r Sanders the following answer to the first Proposals made to the House from this Board as follows viz^t

Touching the Indian Land seating is further referred to be Considered of on Monday morning

Relating to the Addressing his Majesty about the Quarter Part of the Revenue taken by Governor Copley &c.

This House are of Opinion that nothing is to be had of Governor Copleys Estate or if their were the same is already Given by his Sacred Majesty to the said Governor Copleys Children

Touching Skins and Furrs brought out of Pensylvania &c the House are of Opinion that the Law is already sufficient that such Skins & furs pay the duty as other upon Exportation

4 To have a Bridewell &c.

p. 866

The House think such Bridewell or House of Correction very necessary and convenient but the present ill Circumstances of this Province will not admit the Beginning or Carrying on of any more building then already Undertook

5 That a Law be made for the County Justices and Vestries to make yearly Return of their proceedings &c

Resolved that a Bill be prepared therefore

6 How the Clerks of the Vestries and Parishes shall be paid

Resolved the House will inspect the Act relating to the 40 l Tobacco p Poll

7 To have a severe Law made against Persons taking up wild Horses

Voted and Resolved that a Law be considered of to prevent the Great Abuses of Persons driving Horses in the woods as for Carrying Horses over Potomack out of this Province into Virginia there is an Act or Law of that Colony against it

8 To Strengthen the militia Law &c.

U. H. J. Put to the Question and Resolved that there is sufficient Power already Given them.

9 For a Law to Confirm his Excellencys Proclamation touching Pennsylvania Trade & Seamen travelling without Passes.

Voted that there is a Law already sufficiently providing against Persons travelling without Passes and this House are Induced to believe such strict Handling of Seamen will hinder and Obstruct our Navigation designs they being thereby Terrified from coming into the Province

10 Touching Testimonials coming out of England

Voted that the Laws of England and this Province have very well Provided for what shall be Authentick testimony and therefore the same is thought needless

11 Relating to Commissions in Chancery issuing for Examining Witnesses

Thought that no Inconvenience can arise thereby for if that the Witnesses be alive their Testimony may he had viva voce

12 That Part of the Revenue taken by Sir Edm^d Andros be inquired into &c.

Resolved that his Majesty be addressed therein

p. 867 13 Touching Cathechizing Children

Voted that the Ministers frequently Admonish the Childrens Parents on their several Parishes which are of their community that they send them to be Cathechized

14 That the Frontier Plantations be seated

Resolved that this Province is not in any Capacity to do the same

15 For regaining the Publick Credit of this Province

Voted and Resolved that a Law be considered of for redressing the same

16 That a Law be made for Ascertaining the Bounds of Lands

Voted that a Law for quieting Possessions be considered of

17 Touching the Conditional Law Proposed about Run-aways &c.

If Virginia will make such Law this House is willing to do the same

18 That more Ports be made

Voted that no more Ports be made until our Act for Advancem^t of Coins be passed according to former Vote of this House

19 Touching Wild Horses allowable to be Killed &c

Resolved that there is a Law of this Province relating to Horses which is thought very sufficient

20 Relating to a muster master General on each side the Bay

Voted and Resolved that this Province is not in any Capacity to Comply with the Proposals or settle any such Fee upon such Muster Master or Agitant being already far Engaged in vast Sums of money and Tobacco

21 Proposall relating to Money received upon furs

Voted and Resolved that the said Money be kept in Bank

22 Proposall about laying the Leavy

Voted according to Proposall if the Levy shall be so laid & Rejected nemine Contradicente

23 Proposall about Marriages by Romish Priests

Resolved that the Laws have Sufficiently Provided therefore

24 About the Division of Somerset County

The house are since informed that the said Inhabitants are Agreed and Built their Court House and that they desire no such Division

25 Relating to the Committees Report touching the account of the 1^s p hhd

Resolved that the said Report be laid before the House

26 To discourse Col^o Herman whether the State House will be Covered before the Winter &c.

Referred till Col^o Herman appear in the House and in Case he does not take Care to do the same Ordered the Overseers of the Publick Work take Care to see the same secured

27 Proposall for a Thanksgiving day for the Prosperous Success of his Majestys Arms

This house humbly desire his Excellency will appoint a day therefore

Ordered that proclamation issue out accordingly and Thursday next be set Aside to be duly Observed and kept by all Persons residing in this Port & that day month after by the rest of the Counties within this province

Hen Denton Clk Concil.

Severall Proposals relating to the Encouraging and Advancing the Port of Annapolis

This House are of Opinion that if his Excellency please to Grant a Charter unto the Port of Annapolis he may thereby Grant unto the Inhabitants thereof all reasonable Priviledges and Immunities as to his Excellency shall seem fit as to the Assessing the Conduit at the Publick Charge this House think the Charge thereof so Inconsiderable that if the Inhabitants of this port have a mind to have such Conduit built they may easily contribute and provide for the same

As to the Land to be set Aside for the public Builders this House Concurs with his Excellencys proposals and are willing that Major Dorsey if any the said Land falls within his

U. H. J. Lots may have other Land therefore in some part of the Town.

Signed p Order
W Bladen Clk Assembly

Brought from the House of Burgesses by Captain Tasker and several other members the following Message Viz^t

By the House of Burgesses May the 4th 1696.

This House does highly resent and are much Agrieved to see their Priviledges so unexpectedly intrenched upon by the honble his Majestys Council as appears by a late Paper affixed to the door of the House of Assembly at a publick meeting upon the Sabbath day in which they endeavour to debar them of that right which is due to the meanest and Inferior Court of this Province to wit Privacy and uninterrupted and more especially since this House Considering the present Inconveniences have never debarred the Clerks from their Office further then in Prudence and our duty to his Majestys Service required and therefore humbly desire the said Paper in which our rights and Priviledges are so trampled upon may not remain upon the Journal of the honble Council for as we shall endeavour to the whole World to Give an ample Testimony of our Duty and Affection to his Excellency and the honble Council so likewise to preserve the rights and
p. 869 Priviledges we are Intrusted with as Representatives of his Majestys Loyal and dutiful Subjects of this Province

Signed p Order
W Bladen Clk Assembly

Ordered that an Answer to the same be drawn up to be sent which was done as follows viz^t

By his Excellency the Governor and Council &c

May the 4th 1696

The Message by Captain Tasker and several other of the House Assembly sent has been here read and Considered in answer whereto his Excellency is pleased to declare that by the Order of Council of the first of May Instant relating to the Clerks and other Persons having Recourse to the Offices &c it was not intended that the Priviledges of the House should be any ways Encroached upon neither does this Board take it to be any Breach at all but on the Contrary do hold it to be a Breach of Magna Charta and of the Liberties of the People that the Kings Offices should be shut up especially Consider-

ing recourse might be had to the same without going through U. H. J. the Place where the House sits and it is recommended by the Board to the House that they would peruse the several Copies of the Counties Levies herewith sent in Order to make enquiries and Examine whether the several Articles therein Charged & allowed are not against the Priviledges of the People and known Laws of this Province Talbott county Levy being not yet returned shall be laid also before the House when received as to the Houses taken notice that the said Order was affixed to the Door of their House and on the Sabbath day it is Observed to them it was Affixed to the Church door that all persons might have publick notice thereof and if the said Order was not taken down last night the fault lyes in the negligence of some of their Officers

His Excellency is pleased in particular to Represent that he is sorry to find that the country is so far engaged and Burthened Insomuch that the House cannot conveniently meet so often to dispatch the necessary Business impendent upon them by Reason of the Great charge thereby Accruing does therefore propose that they would make a Law that either two Delegates might only be chose to be sent out of each county to serve or that some Ordinance or Law might pass for the House to appoint two members at a time to come out of each County to dispatch the countrys Business whereby the Levies will be Eased and the country not Groan under that Burthen for that it is not known how soon the Assembly may again meet by Reason his majesteyes Royal commands are not yet come to Hand and it is further represented that the Colony of Virginia which has nigh double the Tithables of this Province have but about the same number of Burgesses

p Order
H Denton Clk Concil.

May the 5th 1696.

The Council again Sate and were Present as yesterday

The foregoing Message being fair writ out was sent to the House by Col^o Robotham Col^o Greenberry and Col^o Courts Brought from the House of Burgesses by Major Hammond and several other members the following answer to the foregoing message viz^t

By the House of Burgesses May the 5th 1696.

Upon Perusall of that part of the message by the honble Council this day brought to the House in answer to our message yesterday sent to your Board in relation to the Order

U. H. J. of Council Affixed at the door of the House of Assembly we find the same no ways Satisfactory to our desire in our said message viz^t that the said Order may not stand on the Journall of the honble Council therefore humbly presume to press the same again to your Excellency and his Majestys honble Council that it may be taken off otherwise this House will adjourn to some other place and proceed to no other Business until such time as we shall receive Satisfactory Answer thereto as to the other part of your message we shall in some Convenient time return an Answer

Signed by Order
W Bladen Clk Assembly

Ordered that an Answer be drawn up to the same which was done as follows viz^t

By his Excellency the Governor and Council &c.

May the 5th 1696

The Message by Major Hammond and several other of the Houses members was received and these two questions are asked viz^t whether all the members of the House were present at that Vote passing and whether the same passed Nemine Contradicente (neither of which appearing upon Paper) and then some further Answer shall be Given therein which we hope in God will be Satisfactory

Signed by Order
Hen Denton Clk Council.

The said Answer was sent by Col^o Hutchins and Col^o Browne

Dinah Nutheads Petition for License to Print was read and referred to the House that if they have nothing to Object her Paper might be Granted provided she give security for the same

p. 871 Produced at the Board a Letter by his Excellency received from the Honourable Thomas Neal Esq^r together with an answer to the said Letter of the 10th of March past wherein were contained some matters relating to the Act of Coins

Ordered that the same be sent down to the House for their perusall which were Accordingly sent by the aforesaid Col^o Hutchins and Col^o Browne together with a Letter of news from Boston

They return and say they delivered the same Brought from the House of Burgesses by M^r Jenkins and several other members of the House the following paper in answer to the Message last sent them from the Board viz^t

By the House of Burgesses May the 5th 1696

U. H. J.

The House do wonder and are much Agrieved at the Unparliamentary proceedings and continuance of the Breach of our priviledges by his Majestys honble Council that instead of Affording us the reasonable Satisfaction by the House desired your Board should further proceed to infringe our Priviledges by requiring to know what members were present or Absent when this House resolved upon sending the Message this day by Major Hammond and other members of this House yet for Satisfaction of the Honble Board we acquaint you the same was Resolved Nemine Contradicente therefore once more humbly desire some Satisfactory answer to our former message upon which we shall proceed to such Business as his Excellency shall Propose for his Majestys Service and the Welfare of this Province

Signed p Order
W Bladen Clk assembly

His Excellency is pleased to ask the Opinion of the Board what ans^r is to be Given which being debated for some time it was Resolved that for an Expedient in this matter the Assembly be Prorogued till to morrow morning and his Excellency accordingly Ordered the honble Col^o George Robotham and James Frisby Esq^r to go down to the House and Acquaint the Speaker that his Excellency does require him together with all the members of the House to attend at the Council Chamber immediately

They return and say that they delivered the Message and M^r Speaker with the rest of the House will Attend accordingly

M^r Speaker with the rest of the House members came up p. 872

His Excellency is pleased to Acquaint them that he is Sorry to find that he has that Occasion as to send for them at this time about the contesting such a point with his Majestys honble Council so Long whereby his Majestys & the Countrys Business is in the Interim delayed and the Country put to a vast charge and Expense without any thing done and finding the contest is Gone so far and that the House is not inclinable in the Least to Give way his Excellency therefore is pleased to tell them that he has found an Expedient betwixt both which will put an End to that difference provided they will for the future come with a Sincere true and hearty Affection to promote and carry on the Service of God of his Majesty and of the Country without which was signified a dissolution must necessarily follow and the better to incite the House to the Observance of those three heads his Excellency is pleased to present to M^r Speaker for the Perusall of the House a Sermon

U. H. J. preached by the present Arch Bishop of Canterbury of doing good to Posterity and then told them that he Prorogued them until the sixth Instant and the same stands Accordingly Pro-rogued.

At a Council in Assembly according to the above Proroga-
tion Met and held at the Port of Annapolis the sixth day
of May 1696 and In the eighth year of his Majestys Reign &c

Present

His Excellency Francis Nicholson Esq^r Capt General &c

	Col ^o George Robotham	Col ^o John Addison	}
the honble	Col ^o Nicholas Greenberry	Col ^o John Courts	
	Col ^o Charles Hutchins	Thomas Brookes Esq ^r	
	Col ^o David Browne	James Frisby Esq ^r	

Came from the House of Burgesses Mr Philip Clarke and
five other members who say they are sent from the House to
acquaint his Excellency that they are met pursuant to the
Prorogation yesterday and desires to know if his Excellency
has any Business to impart to the House.

They are told some Messages shall be sent presently.

His Excellency is pleased to Order Col^o Addison and Mr
Brook to go down to the House and Command their Attend-
ance at this Board

The Honourable James Frisby Esq^r upon his motion and
request made to this Board Obtained leave to go home his
Lady drawing near her time

The Gentlemen upon the message sent return and say the
House will Attend Immediately

p. 873 Mr Speaker with the rest of the Houses members return up
his Excellency was pleased in a short speech to tell them that
he hopes all differences & by past disputes will now be now
laid aside and that they will cordially proceed upon what
Business shall be Offered to them principally taking Notice
that the chief Outcry is the Poverty of the Country and of the
great Burthen the Poorer sort undergo through means of the
vast Levies Yearly Accruing for the defraying the necessary
Charge of the Province to Ease therefore that Burthen and
Charge his Excellency is pleased to propose these two things
viz^t by Laying an Imposition of 10^s p head upon negroes im-
ported and by Continuing of the 3^s p hhd duty upon all
Tobacco Exported

In the next Place his Excellency is pleased to Recommend
that they would Reassume what Business had been proposed
& Offered to the House before hoping they would make some
fair end of all those matters which when finished they are Given

to understand would be all should be laid before them this U. H. J. Sessions

Then his Excellency was pleased to read two Letters by him rece'd from Sir Thomas Lawrence Baronet Secretary of this province wherein he has Given an Account how the severall matters sent for England relateing to the Good and Welfare of this Province are Carried on and transacted there all which was recommended to the House for their pursuing with Earnestness those good intentions they had so well begun and with that M^r Speaker with the rest of the members took Leave and returned to the House

Some short time after was brought from the House a paper of Resolves upon several Proposals from this Board which were read as follows Viz^t

Proposed that the House will consider whether the 225 Acres laid out at William Stadt for a Town and Common or 200 Acres only Omitting the 25 Acres was intended to stand

Resolved the Intent of this House was 200 as p our Journall

2 That all Fees be settled viz^t the Chancellors for Sealing the Laws &c Already provided for by an Act of the Province

2 The Attorney and Sollicitor Generals Fees already Settled

4. The Collector and Naval Officers Complaint being made that they take more then their dues the fees are already settled

5 The Clerk of the Councils fees &c.

Ordered M^r Denton produce a Schedule of such fees

6 The Burgesses allowance

The Law has already Provided

7 About Provision and Corn

His Excellency if he pleases is desired to issue his Proclamation against Exportation of Corn p. 874

8 That there be an Address sent to his Majesty about the Congratulation & that Letters be writ to the Arch Bishop and Bishop of London

Resolved that such Address be sent to his Majesty and Letters writ According to the Proposall

9 That a Law be made to explain Beer Cyder and Wine measure

Resolved that Beer be sold according to Winchester measure Cyder at Wine Measure

10 That a Law be made against Ordinary Keepers trusting of Labourers and Seamen too much

U. H. J. The Laws have already Provided

11 That a Law be made that the Inhabitants of the Ports of Annapolis & William Stadt may be Exempt from the Penalty of the Act against Forestallers and Reqraters and that the said Law may not reach them

If his Excellency thinks fit to Grant them such Priviledges this House Assents thereto

John Edmonsens Letter writ

Mr Nicholas Lows motion referred to a full House

W Bladen Clk Assembly

May the 6th 1696:

The foregoing Resolves being read were Assented to by his Excellency and the honble his Majestys Council save the Resolve upon the Query about Provision & Corn &c being not fully Answered and therefore Ordered that the said Queries be put again with this condition to know whether it be convenient that Pork be at this Juncture Exported for Virginia

Hen Denton Clk Concil.

May the 4th 1696

Read the following minute taken in Council March last
Viz^t

His Excellency having sent for the Justices of the Provincial Court & Lawyers thereto belonging to know of them and advise what way and method would be best for to bring the Business of all Actions &c there brought to be finished within the Circle or Compass of a Twelve month to the end a quick and speedy dispatch may be Given to all process and proceedings there brought especially Writts of Error Demurrers and Appeals to be done at the least charge and Trouble to the country and most Ease to the Justices and Lawyers who accordingly appear & the same being Stated unto them his Excellency Recommends that they Consult and consider upon the same against the next Assembly to the End a Law may then pass (if Occasion) for the regulating those matters
p. 875 and likewise then make Answer in what nature Appeals ought to be brought viz^t whether the whole matter of fact upon such Appeal should be tryed anew or not

Ordered that the same be laid before the House for their consideration & for a Law to pass if thought necessary as also that the House prepare a Law for the better ascertaining how the Sheriffes and Surveyors shall summon Juries upon Resurveys of Lands &c when the Bounds or Title are called in question the same was laid before the house accordingly

Friday May the 8th 1696

U. H. J.

The Council again Sate and were Present as on Wednesday except Esq^r Frisby

Drawn up pursuant to Order the following message of the sixth Instant to be laid before the House viz^t

By his Excellency the Governor and Council &c

Upon reading the Resolves of the House received the sixth Instant upon several Proposals made to them from this Board a Quere therein put relating to Provision and Corn &c being not fully Answered it was proposed that the said Quere be again Considered and to return answer whether it be convenient that Pork at this Juncture be Exported for Virginia

That the several other proposals now lying before the House be also Reassumed as by his Excellency to the whole House was on the sixth Instant directed and to the end Business may be carried on with the more quick dispatch by Obviating some Objections which by the House may be put therefore several Queries and Remarks are upon sundry of the said proposals thought fit to be made as follows viz^t

Upon the 2^d Proposal it being reported that the Quarter part of the Revenue in Governor Copleys time was by his Majesty bestowed upon the said Governor Copleys Children Quere where the Certainty of that Appears

3 Prop If Skins and Furs brought out of Pennsylvania and Shipt here ought to Pay the duty proposed that some order Pass to Enforce such Persons as brought Skins and furs out of Pennsylvania last year & shipt here may pay the said duty accordingly

4 That such Person or Persons as will undertake to build a Bridewell at their own Cost and Charge may have the Benefit &c as in the said Proposal mentioned

7 Proposal observed that tho there be a Law in Virginia relating to Carrying Horses over Potomack it does not Effect this Government

9 Proposal touching Pennsylvania Trade and Seamen p. 876 travelling without Passes &c being both matters of Great moment for his Majestys service during time of War the said proposal is therefore more particularly urged and recommended

10 Pro Touching Testimonials sent out of England &c it is observed that no Law of England or of this province has provided about the same and therefore such matters coming proved under a notary Publicks hand ought not to be admitted for good proof considering how frequently the very Commissioners of the Customs hands and Seals and the

U. H. J. Broad Seal of England it self have been counterfeited for which reasons it is the more Strongly urged and Recommended

11 It is Observed that men of three or four score years of Age have been known to be sent for as far as Yorkshire up to London for to Give their Evidence in matters Relating to Titles of Land therefore the Lawyers Opinion about the said proposall is recommended to be first had before any Result made thereon

17 Pro: Touching Runaways &c that either a Law or some proposall pass to be sent to Virginia to Effect the same

22 Pro: About Laying the Levy &c it is not intended thereby that Power be Given for Granting Allowances at that time for any matter or thing being only to Apportion what shall before hand be allowed otherwise the same must be done by the whole House and will not henceforward be permitted to be left to the management of a Private Committee

23 Pro: It is observed that no Law has provided for what is proposed therein besides a Toleration of such Liberty (as customarily taken by Priests may prove a discouragement to my Lord Bishop of London from sending ministers in, therefore is particularly Recommended

24 Pro: It is observed several complaints have been made about the Removal of that Court House therefore Recommended that the Burgesses of the Lower House of the said County be consulted and that Division of the same be proceeded upon pursuant to the said proposall

Col^o Sayers Bond for Building a Court House in Kent &c is referred to the Consideration of the House

Dorchester County Petition touching the repeal of an Act prayed for against Striking of Fish be Recommended as above

To know what shall be done with the Bills taken for the Imposition Duty upon furs it being proposed that they may be sent for England to be Received by some Friend there who will take nothing for the doing of it and that the money Received be kept in Bank for the Countrys use. Major

p. 877 Kings account for the said duty is sent down among other Papers Referred for the Perusall of the House

Upon reading a return here produced relating to a Burgess lately chose to serve for the County of Talbot it is Observed that not Above 22 or 23 Persons have signed to the said Indenture and upon Inquiry made of the Sheriff of the said County he does say there were not above forty people at the said Election notwithstanding the Largeness of that County which by this Board is thought prejudicial and a Grievance to the Country proposed therefore that for the Prevention of like future elections that a Law be made to Oblige all persons that

can legally vote at Elections either actually to Appear in Per- U. H. J.
son or send their names sealed up in Writing to be sent to
the Sheriff by him to be broke open at the Election

That M^r Coucy be desired to Print his Sermon preached
yesterday

That the Treasurers be Obligated to Give security Proposed
that the House would Ascertain how many Gallons a Madera
pipe shall be reckoned at

The said Proposals were all fair writ out and sent by Colonel
Addison and Col^o Courts together with the aforementioned
Indenture and other Papers

Brought from the House of Burgesses by Major Dorsey M^r
Smith and Major Thompson the following message in relation
to New York Business which was read as follows viz^t

By the House of Burgesses May the 8th 1696.

Several Letters from his Excellency our Governor to his
Excellency Col^o Benjamin Fletcher his Majestys Governor of
New York and also several Letters from his Excellency the
said Governor of New York to his Excellency Requiring a
further supply from this Province for the Assistance of New
York being read the House taking into consideration this
Prov^s had addressed his Majesty to be relieved from that
Burthen to which Address his Majestys Gracious pleasure is
not yet signified and also Reflecting that our selves are under
the same and no Greater Obligation than our neighbouring
Colony of Virginia who have not as yet advanced any thing
although we have advanced the sum of £333..6..8 nor has the
said Governor of New York taken any care to make the
absolute necessity of such Assistance required apparent to this
House and Considering the present ill circumstances of this
Province by the great mortality of Cattle Scarceness of Pro-
visions great and Vast debts this Province is Engaged in and
also the misfortune of the Fleet expected from England not
being yet arrived render us incapable of Affording such Assist- p. 878
ance thereupon put the Question if any further supply shall
be sent from this province to the assistance of New York.

Resolved nemine contradicente no further supply be Granted
from this Province for Assistance of New York nor any further
answer Given to that Government as to that matter until his
Majestys Pleasure shall be signified therein

Signed p Order
W Bladen Clk Assembly.

U. H. J.

May the 4th 1696.

Assented to by his Majestys Honourable Council

Henry Denton Clk Concil.

The honble Col^o John Courts and Thomas Brook Esq^r Representing that the Ships in their Parts being very forward to sail and having urgent Business which necessarily require their attendance upon those matters they are concerned with in shipping therefore humbly desire leave of the Board for some short time to retire home to look after the same which was accordingly Granted and time given till Thursday next to return

Saturday May the 9th 1696.

The Council again Sate and were Present His Excellency Francis Nicholson Esq^r Captain General

Col ^o George Robotham	}	Col ^o David Brown
Col ^o Nicholas Greenberry		
Col ^o Charles Hutchins		Col ^o John Addison

Upon a return of the Sheriff of Calvert County of an Indenture for Election of a Burgess there bearing date 7th of May Instant being read it is Ordered to be returned to the House of Burgesses on Monday next with this remark that it is thought morally Impossible that the whole County should have notice of the Election in so short a time

Monday May the 11th 1696

Produced and read a Letter by his Excellency Received from his Excellency Col^o Benjamin Fletcher Governor of New York bearing date 30th of April last together with an Acco^t of money remitted from the Colony of Virginia and this Province for the defence of that Government and the printed Votes of the Representative Body of that Province Read also a return relating to the Division of Kent County

Ordered that the said Letters and Papers be sent down to the House of Burgesses for their Consideration and Perusall
 p. 879 the which the honble Col^o David Browne and Col^o John Addison carried to the House accordingly

They Return and say they delivered the said Letter and Papers

Proposed that M^r John Perry be Continued in the Post Office for this next year ensuing for like Salary as last year this Board being of Opinion that the same is and will be of less

Charge to the Country then by Employing Special messengers U. H. J. every time there is Occasion to send to New York or Virginia

The said Proposals were sent by Mr Perry himself

Came from the House of Burgesses Mr Boothby Captain Dent and Major Thompson who brought a certain Representation and Paper of Proposals drawn up by the House in relation to Surplusage Land within this province &c in Order to be laid before the right Honourable Charles Lord Baron of Baltimore Lord and Proprietary of this Province for his Assent thereto

The Messengers signify that they are Given in Charge to desire that the said Paper after Perusal and Approbation may be Expedited back as also that a Return of an Indenture for the Election of a Burgess in Calvert County may be sent in Order to be laid before the Committee of Elections &c as likewise any other matter now lying before the Board

The Representations and Proposals aforementioned being read were well approved of by the Gentlemen of his Majestys honble Council His Excellency is pleased to Remark thereon that if his Lordship does Agree to the same it will be of good Use to the Country and that the House will Afterwards consider of further ascertaining their Lands by a Law to be made for Processioning they will thereby for ever make their Titles Certain

Brought from the House of Burgesses by Major Hammond Mr Hanson Mr Ferry and two other members these following Bills & Resolves as also a Certain request of the House touching Indians viz^t

A Bill against Driving Horses in the Woods read and Passed first time without Alteration

A Bill for Speedy Justice and Encouragement of Trade &c Read first time and passed without Alteration

A Bill Appointing the Justices of the Counties and Vestries to return their proceedings to the Governor &c read first time and Passed without alteration

The Resolves upon the Proposals are as follows viz^t

May the 9th 1696

p. 88o

Severall Proposals from his Excellency to the House of Burgesses debated and Resolved upon as followeth

As to the State House

That their be no Chimney in it

That Col^o Harman build a back Porch to be allowed for when finished

That a letter be writ to Esq^r Neal

U. H. J. In relation to Exportation of Pork and Corn
 That corn only be prohibited to be Exported
 What to be done with the bills taken for the Imposition on furs
 they are to be delivered to the Treasurers who are to send
 them home this Shipping and take Care to have them received
 and securely Lodged for the end they are designed
 The Quarter part of the Revenue due from Governor Cop-
 leys Estate
 An Address to be sent to his Majesty
 Relating to Skins and furs exported
 That the Law is sufficient and will Oblige those that have
 Exported any to pay the duty

As to the Proposall relating to Bridewell
 The House Assents thereto

• Suspected Persons Carrying good Horses over Potomack
 The Law has already provided

Runaways &c to Virginia
 Resolved Proposals be made to that Colony for Remedy
 thereof

Pennsylvania Trade and Seamen Travelling without Passes
 The Several Magistrates are to see his Excellencys Procla-
 mation duly Performed
 Testimonials to come out of the Plantation Office
 The Law has already provided therefore
 Laying the publick Leavy
 Resolved that if the Assembly do not do the same they will
 Provide therefore

As to Priests marrying Protestants to Papists
 Resolved that the Romish Priests Complying with the Laws
 of this Province be Tollerated to Marry persons applying
 themselves to them therefore

Relating to the Election of Burgesses
 That the Law has sufficiently provided therefore

Resolved M^r Couey be desired to print his Sermon

p. 881 M^r Workman

A Short Bill to be prepared to Confirm the fee Simple of
 Land in the port of Annapolis to M^r Workman whereon he
 intends to build an House which he is willing to devise to the
 use of a free School

Appeals from the Commissary to the Governor and Council U. H. J.

The Laws have already sufficiently provided

Roads to be Marked Cleared and Widened

That their is a Law appointing Overseers of the High ways sufficiently providing therefore

That the publick Roads be cleared

Assented to by the House

A Church to be built in the Port of Annapolis and that the Country would forward the same

Referred to the next Sessions of Assembly for further consideration

The Passing the two Bills for the 10^s Additional Impost on Negroes and a Bill for Continuing the Additional Duty of 3^d p hhd

Put to the Question and Resolved nemine Contradicente that Bills be prepared therefore

What shall a Pipe of madera Wine be said to Hold

Carried by Majority of Voices 100 Gallons

Publick and county Ferryemen

To keep Ordinary without Paying for License

Naval Officers to swear to their Accounts before his Excellency and the publick Treasurers to give Bond for their Offices

The Publick Treasurers to pay his Excellency with ready money in their hands and take his Receipt in part of what is due to him from the Country

Signed p Order
W Bladen Clk Assembly

May the 11th 1696

Assented to by his Majestys honble Council

Henry Denton Clk Council

Brought also by the aforesaid Messengers a Petition preferred by M^r James Smith high Sheriff of Talbot county for several Reasons praying to be continued in the said Office of Sheriff which said Petition Came indorsed from the House as follows viz^t

U. H. J. The House desires his Excellency will be pleased to consider the said Petition and express his sentiments thereon to this Board

Signed p Order
W Bladen Cl Assembly

p. 882. Answer thereto was by Order drawn up and Indorsed as follows viz^t

By his Excellency the Governor & Council May the 11th 1696

This Board have Considered the Petition and are apt to believe the matters therein contained to be true but considering the Representative Body now met together are more capable of Judging thereon is left to their result but his Excellency is withal Pleased to Recommend again to the House a Certain proposall laid before them relating to the appointing several Persons for to manage that Office and bringing Tobacco to Certain places and that they would inquire against the next year if any Person will undertake the same their being a whole year beforehand for People to make their Proposals thereabouts

The said several Bills petitions and Representations with Remarks thereon were sent down to the House by Col^o Hutchins and Col^o Addison who return and say they delivered the same

Sent by the Clerk of this Board the Return of the Indenture for Election of Burgesses in Prince Georges County who returns and says he delivered the same

Came from the House Captain William Dent who signified that he was sent to desire some of the Gentlemen of the Council might go down to the House to swear the new Returned members for Prince Georges County and Calvert County and according went down by Order the honble Col^o Nicholas Greenberry and Col^o Addison attended by the Clerk of this Board who accordingly administred the Oaths appointed by the Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy unto M^r Hatton Col^o Ninian Beal M^r W^m Barton and M^r James Crawford who also Subscribed to the Test

May the 12th 1696

The Council again Sate and were present as yesterday.

Read over the request of the House touching Indians as follows viz^t

Col^o Herman acquainting the House that the Seniquos and U. H. J. Susquehannahs together with the Shevanour Indians have desired peace with this Province & that they might be in League and trade with us. The House desire his Excellency if he thinks it may be beneficial to this province to enter into a peace with them that he would take such measures therein as he shall approve of

Signed p Order
W Bladen Clk Assembly

Then was drawn up and Laid before the House the following Order and proposalls which came answered in manner following

1 Upon reading a Perusall of the request of the House touching Indians &c

Ordered that Col^o Herman be discoursed with about the same and that an Interpreter be provided who may be upon his Oath to talk with them & that no Person be suffered to talk with them besides for fear of Tricks p. 883

His Excellency is desired to give his Orders and directions therein

2 That Proposals be prepared to be sent to Virginia touching Runaways &c Already Answered

3 That the Naval Officers swear to their Accounts and the publick Treasurers give Bond before the whole Assembly at the passing the Laws and that they be ready with their Security at that time

Already answered

4 Proposed that what Ships are in the Country and cannot be got ready by the last of June be permitted to sail as got ready unless the Fleet comes in before that Time who are then to stay for the Fleet

Assented to by the House

That the Tobacco Collected for the Building a Church at Annapolis be sold for Bills of Exchange and some person Empowered to sell the same

Assented to by the House

Brought from the House by Major Thompson and Col^o Beale & M^r Barton these following Bills Viz^t

An Act for the Assessing of 3^d p hhd read first time & passed without Alteration

An Act for the naturalization of John Edgar read & Passed

An Act for reviving the Temporary Laws read and passed if no Act be left out therein

U. H. J. The said Bills were sent down by Col^o Addison Col^o Browne and the Clerk of this Board with directions to Examine the said Act of Revivall with the former Acts who return and say they had performed their Message accordingly and find the said Act to be right

May the 13th 1696

The Council again Sate and were Present as yesterday

A List of persons thought qualified to Execute the Office of Sheriff within the Several Counties of the Province were humbly represented by his Majestys honble Council and House of Burgesses for his Excellencys Approbation

Viz^t St Marys County M^r Robert Mason
For Kent County M^r Edward Sweetnam
For Ann Arundel County Captain William Holland Sen^r or
M^r Samuel Young
For Calvert County M^r George Lingan
For Charles County Captain John Bayne
For Baltimore County Major James Maxwell
For Talbot County M^r Nicholas Low
For Cecil County Col^o William Peirce

p. 884

His Excellency was pleased to approve of the same and to Order as it is hereby Ordered that Commissions pursuant thereto issue forth of the Secretarys Office with the other usual Instruments to bear date that day twelve month from the date of the former Commissions but that a Clause be incerted in the commissions of the Sheriffs of Ann Arundel and Talbot Counties for obliging them Actually to Live and reside in the Port and Town of Annapolis and William Stadt upon which Proviso they are to hold the same and not otherwise and that the said Commissions when prepared be delivered to the Honourable Col^o Henry Jowles Chancellor

M^r Young being sent for and refusing the said Condition of Living in Town but M^r Holland accepting thereof is therefore appointed Sheriff of Ann Arundel County

Ordered that the Sheriffs Commissions of Dorchester and Talbot Counties be Renewed

M^r Thomas Greenfield appointed and Commissionated Sheriff of Prince Georges County before

Brought from the House of Burgesses by Major Dorsey and six more of the members of the House the following Bills fair Engrossed for the Assent of his Majestys honble Council viz^t

An Act for Laying Imposition upon Negro Slaves and U. H. J. White Servants

An Act Impowering the Commissioners of the County of Kent to Purchase three Acres whereon to build a Court House

An Act of Assembly to prevent people driveing away Horses into the Woods

An Act appointing the Justices of each respective County within this Province and Vestries of each respective Parish to return the County Levy and proceeding to the Governor and Council yearly

An Act for Speedy Justice in Encouragement of Trade

An Act for Reviving the Temporary Laws of this Province

An Act for Assessing the 3^s p hhd upon Tobacco towards the defraying the necessary Charge of the province

An Act for the Naturalization of John Edger of Somerset County

The which said several Bills were perused read and Assented to by his Majestys honble Council

Another Bill being received and read for Laying the Publick Leavy &c will not be Assented to there being no Account before this Board to particularize any Allowance

The honble Col^o Henry Jowles Added

p. 885

Read a petition preferred by M^r Robinson and several others merchants Traders praying an Explanation upon the Ten p Cent Act &c

Ordered that the same be laid before the House for their Consideration

The said Bills and petitions were sent down to the House by the Honourable Col^o George Robotham Col^o Charles Hutchins and Col^o Addison

Brought from the House of Burgesses by Captain Hill Captain Tasker M^r Boothby and M^r Lowe a certain Representation made from the Committee of Aggrievances touching Securities taken for Masters of Ships &c

They signify also that the House have made strict Scrutiny into the Accounts passed this Assembly and that they find the same to be just and Good and that the same will be annexed to the Law

The said Representation follows in these words viz^t

By the Committee of Agrievances May the 13th 1696.

It is Complained of unto this Committee that manifest Great decay of Trade in several parts of this province adjoyn-

U. H. J. ing to our Neighbouring Colonies doth daily happen by Ships leaving this Province by Reason of the two Great Strictness in taking Security from the masters of Ships which is very difficult to procure and Imposing Oaths on them and unless his Excellency can abate the Severity thereof here or procure the same Strictness in our Neighbouring Colonies it may prove of ill consequence to this province

By the House of Burgesses die & Anno Suprad

The house humbly desire his Excellency would be pleased to represent the same to the Commissioners of the Customs or take such other measures therein as he shall think fit

Approved of by his Signed p Order
Majestys honble Council W Bladen Clk Assembly
Hen Denton Clk Council

His Excellency is pleased to say that as to taking other measures he cannot comply therewith Contrary to the directions of the Law but will Represent the same to the honble the Commissioners of his Majestys Customs according to the request of the House

Brought from the House the following Message by Captain Dent and several other members of the House viz^t

By the House of Burgesses May the 13th 1696

p. 886 In Answer to what his Excellency and the honble Board have been pleased to recommend to this House viz^t that his Excellency and his Majestys honble Council should be Joynd to the Committee appointed by this House for Laying the public Leavy we say that as it is the undoubted right and Priviledge of the Representative Body of this Province to Consent to the raising of Money upon the Inhabitants so likewise it is to Levy the same when raised therefore humbly pray the honourable Board would not press a matter so much Intrenching upon the antient rights and Priviledges of his Majestys Subjects of this Province

Signed p Order
W Bladen Clk Assembly

Ordered that three of the Gentlemen of the Council go down to the House and Acquaint them that his Excellency requires their Attendance here presently and to bring with them what Bills are Assented to

The honble Col^o Robotham Col^o Hutchinson and Col^o Addison went upon the said Message

They return and say they signified his Excellency's Commands to the House U. H. J.

Mr Speaker with the rest of the House members came up accordingly and bring with them the Bills and present them to his Excellency for his passing & Assent

His Excellency signifies to them that a Bill here presented for Laying the Publick Levy he can by no means pass as it is now drawn there appearing no Account to particularize any allowances therefore proposes that they return to their House Again and Consider either to draw a Law for what allowances are already made or that they would appoint what members of their House are Justices of the Provincial Court to be Joyned with his Excellency and Council to lay the said Levy at the meeting of the Court in the fall and with that Mr Speaker with the members of the House took Leave and returned accordingly

Ordered that the honorable Col^o Nicholas Greenberry and the four Burgesses of Ann Arundell County be pursuant to the Ordinance of Assembly Empowered & they are hereby accordingly appointed and Empowered to sell and dispose of what Tobacco is Collectable and due for and towards building a Church at Annapolis Either for Bills of Exchange or Goods the Sheriff of Ann Arundell County having this year already received Orders for Collecting the said Tobacco brought from the House by Maj^r Smithson and four other members the following message viz^t

By the House of Burgesses May the 13th 1696

This House have perused and considered of the Bill by us proposed for laying and Assessing the publick Levy of this province and therein finding that it plainly appears to what use and purpose the Tobacco therein mentioned to be Levied is to be applied viz^t To the defraying the necessary Charge of this Province as hath been formerly used and thereupon Resolved nemine Contradicente not to Recede therefrom

Signed p Order
W Bladen Clk Assembly.

Ordered that seing the House is resolved they be sent for up and Prorogued

The honorable Col^o John Addison is sent upon the said Message who Returns and says the House is Risen

U. H. J.
p. 887

May the 14th 1696

The Council again Sate and were

Present

His Excellency Francis Nicholson Esq^r Cap^t Gen^l

Col ^o Henry Jowles	}	Col ^o Charles Hutchins
the honble Col ^o George Robotham		Col ^o David Browne
Col ^o Nich. Greenberry		Col ^o John Addison

Mr Speaker having had notice from the Board that it is his Excell^{cys} Pleasure that the whole House should attend here presently came up Accordingly attended with the whole House and presents an address drawn up to his Sacred Majesty for Congratulating his Majestys prosperous Success against his Majesty the French &c the which was well approved of and Signed by his Excellency and the honble his Majestys Council and the several members of the House Presented also an address drawn up to his Sacred Majesty humbly requesting that the quarter part of the Revenue taken by his Excellency Governor Copley in his Lifetime which should have been appropriated towards the furnishing of Arms &c might be refunded out of the said Governor Copleys Estate and employed to the uses by his Sacred Majesty designed being read was also well Approved of and Signed to by his Majestys honble Council & House of Burgesses

Read a Letter writt unto the honble Thomas Neal Esq^r relating to the mony Act the which was liked of and signed to by the honble Col^o Henry Jowles Chancellor on behalf of his Majestys honble Council & by the several members of his Majestys honble Council

Presented also by Mr Speaker the following Bill

An Act Explaining one part of an Act of Assembly Imposing a duty of Ten p Cent upon all European Goods imported into this Province which was Assented to by his Majestys honble Council

Esq^r Brooke added

The several Naval Officers came and produced the Accounts of their Collection of the Country dutys &c the which they made Oath to be true and Just

Presented the following Vote Viz^t

By the House of Burgesses May the 14th 1696.

Voted in the House that Major William Whittington pay the Ballance of his Account of which is due to this province

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

*At a Session held at Annapolis,
April 30—May 14, 1696.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

FRANCIS NICHOLSON,
Governor.

THE LOWER HOUSE.

Journal of Assembly

Thursday Aprile the 30th 1696

Whereas the General Assembly of this Province upon the L. H. J. nineteenth day of October Anno 1695 was prorogued by his Ex^{cy} Francis Nicholson Esq^r from the said 19 day of October untill ye twentieth of March ensuing no urgent occasion happening for their then meeting, his said Ex^{cy} by Proclamation bearing date the 4th day of May A^o 1695 and in the 7th year of his Ma^{ty} did further prorogue the same until the Last day of Aprile Instant

According to which prorogation Kenelm Chesseldyne Esq^r Speaker of the House and divers other members thereof having taken their places in the House,

Mr Speaker Orders the House to be called over

Upon which the following members were absent not being yett arrived to Towne

Mr. John Watson
Capt. Thomas Waughop
Mr Robert Mason
Mr. Phillip Clarke
Capt. John Bayne
Col. Hans Hanson
Mr. William Ffrisby
Mr. Francis Hutchins
Mr. George Lingham
Major James Smallwood
Capt. William Dent

Mr. William Hutchison
Mr. Edward Boothby
Mr. Ffrancis Watkins
Major James Maxwell
Mr. Robert Smith
Mr. Matthew Scarborough
Mr. John Bosman
Dorsett County Burgesses
Col. Peirce
Major Thompson, and
Col. Codd

Colonel Hansons Letter read in the House, alledging his wife was so sick and indisposed that he could not leave her. hee's excused.

Mr. Ffrancis Jenkins being elected a Burgess for Somerset County and appearing in the house is by Mr. Speaker, ordered to take his place.

Mr. William Helemsly being also elected a Delegate for Talbott County, ordered that he take his place in the house

Mr. John Pollard and Mr. Thomas Hicks enter the house.

L. H. J.

House adjourned for an hour,

The House met. Present as before

Mr. George Lingham and Mr. William Hutchyson enter the house.

William Bateman of Ann Arundell County his petition being read;

Put to Question whether he shall be Drummer to the house or not, and carryed in the negative

This house being informed that Mr. Ffrancis Watkins of the Delegates for Baltimore County is dead,

Resolved, Mr Speaker Issue his Warrant to the Keeper of the great Seale thereby requiring him to Issue his Ma^{tys} Warr^t of Election to the Sheriff of Baltimore County for the choossing of another Deputy to serve for that County instead of the said Mr Watkins as a^d Deceased.

Mr. Thomas Greenfield appearing in the House and already he was now his Ma^{tys} high Sheriff of Prince Georges County and thereby incapacitated to Sett in this house, is Dismissed

Resolved that Mr. Speaker issue his Warr^t to the Keeper of the Greate Seale desiring him to send out his Ma^{tys} Writts of Election for one Delegate to serve in Calvert County in the stead of the said Mr. Greenfield, as likewise his Ma^{tys} said Writts for the Electing of four new Deputyes or Delegates for Prince Georges County, according to Act of Assembly

Mr. Henry Denton, Clerk of the Councill came down to the house and presented the following proposalls of which his Ex^{cy} recommends to the house that they will consider, being for the publike vse and benefite.

Proposed by his Ex^{cy} to this house

Original
Journal.
p. 3

That a Law or Ordinance of Assembly pass for separte Rooms to be made in the new State House for the severall Officers Viz^t for the provincially Office Land Office Comissaryes Office County Court [Office and Clerke] of the Councills Office, And that a Barr be [placed at the door] of each Office within which no person [whatsoever shall] come save the Clarke, And that no Clarke [carry out any Record] Book or publike papers out of their resp[ective Offices without] sent for by his Ex^{cy} the Gov^r or Assembly; [that there] be two or

three small Jury Rooms made and a passage through the middle of the house, so that on the one Syde the said Rooms may ly, and on the other syde the Offices, And that the End of the passage be the Entrance into the porch Chamber by which means all Rooms will be private. That Dutch Stoves be sent for to be kept in the Offices. That the Court house Table have severall Boxes made in it for the ready laying by of & securing the Clerks and lawyers papers that there be a contrivance within the Barr for the Grand Jury to be kept together in, A Seat for the Cryer made to sitt above the rest of the people an outward Barr for the prisoners and a Step or two for the Witnesses to stand to be seen above the rest, and one or two Galleryes, and that the Court house be paved at least six foot round, that good Store of Oyster shells be layd round the house especially at the lower End where it is most Sandy, and that the pavm^t come upon that to be layd with a Discent every way to carry the Water off. That the said house be paied in at the same distance the porch bears from it, that at some distance from thence severall posts be sett up to hang horses on, To Contrive a [pissduit] And house of Office some where near the stad^t house. That a Chimney be carryed up at the other End of the Stad^t house from the first Story above, &c.

Original
Journal.

p. 4

To have the Back porch as bigg as the fore porch, and to have another [porch at the] Lower End for the Town and County Offices.

Quere how the [Clerkes can go up to] their Offices without going through [the house where the] Assembly sits.

To have a place built [upon pillars] betwixt the Stad^t house and school with a Room above for the Councill to sitt in. To be left upon Record what parts of the foundation of the Stad^t house are [piled] and what manner of earth the said foundation consists of And that the Acc^t be given by the Bricklayers.

Quere whether or no A pulpit and a reading Desk can not be now made for to Serve in the s^d Stad^t house at p^rsent and which may serve for the Church hereafter in the Church to be built.

That in the Chimneys that are made in the Stad^t house there be no manner of wood placed about or nigh the same if possible but that they be done with all the security imaginable.

That the Stad^t house be shingled upon planke and not upon laths.

Hen: Denton Cl Concil.

The above proposalls and the Agreem^t with Colonel Her- man for building the s^d Court House being read put to the Question and Resolved (nemine contradicente) that Major

p. 5

Original Journal. John Hamond, Mr John pollard, Major Edw^d Dorsey and Mr Francis Jenkins be a Comitte appointed to sitt at Mr Blackwells and consider of the af^d proposalls to examine what is convenient to [be done therein,] to discourse Col: Herman what he req[uires for doing thereof,] and to make their Report to the house by [ten a clocke to-morrow] morning.

Also Resolved that the s^d [Committee give notice] to the Councill when they sitt.

The House [is adj] [a clock] to morrow morning.

Fryday M[ay the 1st] 1696.

The house being mett and called over, Mr Watson, Cap^t Waughop Mr Mason Cap^t Bayne Col: Hanson Mr Lingham Mr Hutchins Major Dent Mr Hutchison, Mr Boothby Major Maxwell, Mr Robert Smith Major Ennalls, Mr Bosman Mr Scarborough and Col. Codd, were absent.

Mr Bosman sending word to the house by one of the members thereof that his Wife was like to dye, so that he cannot well leave her, his Absence is excused.

Severall Members of this house alleadging Mr Robert Smith lyes dangerous ill of the Gripes, his Absence is excused.

Major John Thompson and Mr Philip Clarke sent to his Ex^{cy} the Gov^r and Councill to desire some of that Board may be sent to this house to administer the Oathes usually taken by the members of this house unto Mr William Helmsley lately chosen a Deputy for Talbott County.

Thomas Martin of Talbott County planter appearing before the house in Custody of the Serj^t at Arms, The said Martin having yesterday been publicquely drunke and debauched by swearing & the like in the face of the whole Country Viz^t in view of all or most of the members of this house.

Put to the Question in what sune the said Martin shall be censured therefore, Carryed by Majority of Voices in the sune of twenty shillings Sterl.

p. 6 Ordered that the Serj^t at Arms attending this house have twenty shill sterl from the s^d Tho^s Martin as his fee for keeping him in Custody twenty four hours.

Ordered the Serj^t at Arms attending this house take into his Custody the [sev^rall members] of this house which are actually [in Towne and have not] yet appeared in the house so that [we have them imm]ediately before the house that they may [shew cause why] they have not attended.

Mr. Robert Mason [enters the house]

Major Thomas Ennalls [sent in] his Excuse to this house by two of the Members thereof and signifying his readiness

Mr Clarke and Major Thompson returne to the house and say that his Ex^{cy} will send some of the hon^{ble} Councill to this house to administer the Oathes required unto Mr Willm Helmesley. Original Journal.

Cap^t Hill Mr Clarke Major Thompson Mr Tasker and Mr. Frisby sent to his Ex^{cy} the Gov^r with the following Message.

By the house of Burgesses May the 1st 1696.

To his Ex^{cy} the Gov^r in Councill &c.

May it please yo^r Ex^{cy}

This house being mett according to yo^r Ex^{cys} prorogation are ready to receive what your Ex^{cy} has to offerr to us that We may proceed to the Dispatch of the publique Concerne of this Province.

Signed p Ord^r
W Bladen Cl Assembly.

Mr. Lingham enters the house.

Put to the Question if Mr. Mason and Mr. Lingham for not attending the house shall not be censured therefore Carried in the negative.

The hon^{ble} Colonel Robotham Col: Greenberry, Col: Hutchins and Colonel Browne came downe from his Ex^{cy} the Gov^r & Councill and in presence of this house administered the Oathes appointed by Act of parliament instead of the Oathes of Allegiance and Supremacy unto Mr William Helmsley according to the Request of this house p. 7

the s^d Mr Helmsley Subscribe the Test.

They also bring [down sev^rall lrēs relating] to New Yorke for the perusall of [this house]

Also lay before [the house severall] proposalls from his Ex^{cy} Cap^t Hill Mr. Cla[rke, Major Thompson] Mr Tasker and Mr Frisby returne to the house [and say that] they have delivered their Message to his Ex^{cy} who had already sent down to the house.

Major John Hamond and the rest of the Members yesterday appointed a Comittee to consider of his Ex^{cys} proposalls about the new Court House and Additionall Conveniences enter the house and p^rsent the following Report.

Maryland ss. At a Speciall Comittee appointed by the Generall Assembly of this province for inspecting into the further Addition to the Stad^t House met at the house of Mr Thomas Blackwell this first day of May 1696.

Original
Journal.

p^rsent
Major John Hamond Chairman
Major Edw^d Dorsey } Sam: Watkins appointed Cl by
Mr Francis Jenkins } the s^d Com
Mr John Pollard }

The said Committee adjourned to speake with his Ex^{cy}
Adjourned for an hour.

1. It is reported by this Committee to the s^d house of Assembly that a method be taken for the Clarks to go up to their Offices without going through the house of Assembly.
2. That a law pass or an ordinance of Assembly be made for Seperate Rooms to be built in the Stad^t house for the
p. 8 severall Offices Viz^t for the provincial Office Land Office Comissarys Office County Court Office and Clarke of the Councils Office and that a Barr be placed at the Door of each Office within which no person whatsoever shall [come] save the Clarke, And that no Clarke [presume] under a certain penalty to carry any [Record Booke or pub]lique papers out of their respe[ctive Offices without] comanded by his Ex^{cy} the Governor [or Assembly.]
3. That 2 Jury Rooms [be made] and a passage through the middle of the [house that] the Offices may be on one syde and the Jury Rooms on the other Syde.
4. That the End of the passage be the Entrance into the porch Chamber.
5. That a Barr be made for the Grand Jury to be kept together.
6. A seat for the Cryer be made in some convenient place in the Stad^t house.
7. An outward Barr for the prisoners and a Stepp or two for the Witnesses be made.
8. That a Chimney be carryed up at the other end of the Stad^t house from the first Story &c.
9. The Back porch to be as bigg as the fore porch.

These things we find will be necessary and of use to this province to be made in the new Court house, and are not comprized in the Agreem^t with Colonel Herman.

Also We further Report that We have dscoursed Col: Herman who demands for making the Back porch 110 l Sterl: as for the other Additionall Conveniences Col. Herman leaves the Same to the house to be considered of and allowd for by the Country when finished.

Reported to the house of Assembly.

Sam^l Watkins Cl Com.

The above Report read & Considered.

Major John Hammond and the other members of the Committee sent up to his Ex^{cy} the Gov^r in Council with the following Message.

Original
Journal.
p. 9

By the house of Burgesses May the 1st 1696.

This house upon Report of the Committee appointed to consider of his Ex^{cy}s proposalls relating to the additionall Conveniences to be made [to the new Court House] Signifie to yo^r Ex^{ncy} that We are [well satisfied that the] Same are not only well designed but [really necessary and] beneficiall; however the present Circumstances this Province lyes under will not admitt us to launch out [money to carry] on the Same, therefore this house desire Colonel [Herman] may proceed according to former Agreement

Signed p Ord^r
W Bladen Cl Assembly.

Col: Herman imploy'd in building the new Stad^t house desiring leave to go up the Bay in order thereto Leave is given him. Mr Francis Hutchins writing to the house that his wife was newly delivered and that he could not leave her, his Absence is excused.

Voted and Resolved by the house nemine contradicente, That all Absent Members not appearing in the house at the tyme appointed nor Sending any reasonable excuse therefore shall be sent for by a Messenger and shall pay such Charges as this house shall thinke reasonable to allow the s^d Messenger upon bringing in his Acc^t thereof, and pay such fyne as this house shall impose, or give security for so doing, or otherwise Stand committed to Custody of the Serj^t at Arms untill Satisfaction made.

Resolved in the house nemine contradicente that Mr Speaker issue his Warr^t to the Serj^t at Arms to send messengers for & to take into Custody and bring before this house Cap^t Thomas Waughop Capt John Bayne Mr Edward Boothby Major James Maxwell and Col: S^t Leidger Codd members of this house who have not appeared according to prorogation there to answer their contempt therein.

Committee of Agrievances appointed

Major Smithson	Mr Saunders	}
Mr Frisby	Col: Pearce	

p. 10

Ordered Mr Couey have notice the house will go to prayers every morning at 6 of the Clock.

House [is adjourned till 7 a Clock] to morrow morning

Original
Journal.

Satur[day May the 2^d] 1696.

The house met [and being called over] the following members were Absent Viz^t Mr. [Watson Mr.] Clarke Cap^t Bayne Col. Hanson Mr. Hutchins Major Dent Mr. Boothby Major Maxwell Mr. Rob^t Smith Major Ennalls Mr. Scarborough Mr. Bosman Col. Herman and Col Codd.

Mr. Clarke enters the house.

Then read over what was done yesterday.

Mr Francis Jenkins appearing in this house as a Deputy for Somerset County, Mr. Speaker and Severall other members affirming that he had taken the usuall Oaths and subscribed the Test, Ordered the s^d Mr Jenkins take his place in the house.

One of the members of this house complayning that Mr Thomas Odall one of the Coroners of this County had pressed his Serv^t in Violation of the priviledges of this house.

Ordered the Serj^t at Arms take the said Odall into Custody and have him imediately before this house to Answer the said Offence.

Resolved that the Serj^t at Arms attending this house have two shill: and six pence as a fee from every person comitted to his Custody and the like fee for their Releasem^t

The house proceed to consid^r of his Ex^{cys} proposalls yesterday layd before them, And thereupon do Vote and resolve as followeth.

1. The Ord^r of Councill of the 17th of Aug^t 1695 about seating the Indian Land referrd from the last to this Sessions.

The Consideration thereof referred until Munday morning.

p. 11 2. The Report of the Co^mittee appointed to State the publique Revenue in May 1695, and the Addressing his Mat^y that the Qr part of the Sume due from Gov^r Copleys Estate may be appropriated to the service of this province for defraying the necessary Charges thereof.

This house are of [opinion] that nothing is to be had of Gov^r [Copley's Estate, or if there] were the same is already given by [his sacred Ma^{ty} to the] Gov^r Copley's Children.

3 Whether Ski[ns and furrs out] of Pensilvania & shipt here ought not to pay [duty] others exported.

The house are of opinion the Law is already Sufficient that such Skinns and furrs pay the Dutys as others upon Exportacōn.

4. To have a Bridewell, and to se if any person will undertake to build and keep it, that all idle and Vagrant persons may be taken up and put to worke there, and the party

or partyes undertaking the said house to have a lease of it for so many years. Original Journal.

The house thinke such Bridewell or house of Correction very necessary & convenient, but that the present ill Circumstances of this Province will not admitt the beggining or carrying on of any more building then already undertook.

5th That a law be made for the Justices of the County Courts to returne yearly a Copy of their County Levy to be signed by the severall Justices, as also for the Vestry's to send a Copy of their whole proceedings (as by them kept) to the Gov^r and Councill in order to be examined and so to be done yearly, to be signed by the Minister all the Vestrymen and Church Wardens, first for fear of any Accident of fire that Recourse may be had to them, 2^{dly} that it may be seen whether they keep their Acc^{ts} registred, And that after such examination they be transmitted into the Court of Chancery there to remain.

Resolved that a Bill be prepared therefore.

6th That an Explaynatory Law be made how the Clark's of the Vestry's and parish shall be paid. p. 12

Resolved the house will inspect the Act relating to the 40 l p poll.

7th To have a [severe law] made ag^t persons that take up Wild horses and [keep them, that persons] meeting with any Waife or Stay [horses about any Plantation] be oblidged to take them up and [carry the same to the next] Magistrate, who (if the said horse [be taken up on the] Westernne Shoar) is to send an Acc^t thereof [to the port of Annapolis] with the Colour marke and Size &c. and [if on the] Eastern Shoar to the port of William Stad^t that Encouragem^t be proposed to the takers up. That a Clause be added to the Act appointing Ferryes that no led horse be ferryed over Potomack River but such as shall have particular passes, and that the fferry-men be cautious how they sett over any ordinary man with a good horse:

Voted and Resolved that a Law be considered of to prevent the Great Abuses of persons driving Horses in the woods. As for carrying horses over potomack out of this province into Virginia, there is an Act or Law of that Colony ag^t it.

8th To Strengthen the Law for regulating the Militia according to former proposall Viz^t in giving them more power. Put to the Question And Resolved that there is Sufficient power already given them.

9th That a Law pass to effect what his Ex^{cys} proclamation (touching Pensilvania Trade) bearing date the 17th of Aug^t past and an other proclamation prohibiting Seamen travelling

Original without passes &c bearing date the 25th of Jan^{ry} following
Journal. hath prescribed.

p. 13 Voted that there is a Law already Sufficiently providing ag^t persons travelling without passes, And this house are induced to believe such strict handling of Seamen will hinder and obstruct our Navigation Designes, they being thereby terrified coming into this province.

10th That an Act [pass no Testimonials] be sent out of England (whereby to pro[ve a Judiciall proceeding)] be taken for good & authentick unle[ss the same be signed and] come out of the plantation Office.

Voted [and Resolved that the] Laws of England and of this [Province have] very well provided for what shall be [authenticke] testimony and therefore the same is thought needless.

11th That it be put to the Lawyers whether the Customary way of issuing Comcōns in Chancery for examining of Witnesses (in perpetuam rei memoriam) to prove the antient Bounds of Lands within this Province ought to be taken and held for legall proof, and whether many inconveniences may not arise through Admittance of such prooffe.

Thought that no inconvenience can arise thereby for if that the Witnesses be alive their testimony must be had viva voce.

12th That part of the Revenue taken by S^r Edmond Andros when he assumed the Governm^t be inquired into & examined by the house.

Resolved that his Ma^{ty} be addressed therein.

13. That a law be made for parents to bring their Children frequently to be catechised, and that the Ministers call upon them frequently according to proposall made in September Assembly.

Voted that the Ministers frequently admonish the Childrens parents in their Severall Parishes which are of their Comūnity that they send them to be catechised

p. 14 14. That the frontier plantations be seated with three or four able hands as formerly proposed

Resolved that this Province is not in any Capacity to effect the same

15. For regaining the publique Creditt of the Country his Ex^{cy} as formerly in [May Assembly does] now again propose that all publique Levy[s and fees be made out] and sent by such a certain tyme [of the year to the Sherriffe] and that there be appointed two [three or more substantiall] persons in every County who will undertake [to bring all such] tob: to two or three certain places in [the said Counties,] and they to be continued to execute the Office of [Sherife] for 6. or 7. years together.

Voted and resolved that a Law be considered of for redressing the Same: Original Journal.

16. That a Law be made to ascertain the Bounds of all Lands taken up in this province according to proposall made last Assembly.

Voted that a Law for Quieting possessions be considered of.

17th That a Conditionall Law be made about Runaway Serv^{ts} and Debtors running out of this province into Virginia for taking such Runaways up and liberty to Sue &c provided a Reciprocall Law be made for the same in Virginia.

If Virginia will make such a Law, this house is willing to do the Same.

18. That more ports be made.

Voted that no more ports be made untill our Act for Advancem^t of Coyns be passed, according to former Vote of this house.

19. That such Horses as are allowable by the Law to be killed be taken up and sold to the use of the poor of the Parishes.

Resolved that there is a Law of this province relating to horses which is thought very Sufficient.

20th That there be a person appointed to execute the Office of Muster Master or Agitant upon each syde the Bay, who shall be obliged to muster and see exercised the severall Troopes and Companyes Six tymes every year besides the General Muster, and that two pounds of tob: p poll be settled upon each of the said Officers. p. 15

Voted [and Resolved that this] Province is not in any Capacity [to comply with the] proposall, or Settle any such ffee upon [such Muster Master] the Agitant being already farr in[gaged in vast sumes of] money and tob:

21. That what [money is already] received by the Duty upon ffurrs &c. be layd [out toward the] building of a small school House and maynteyning a School Ma^r according to proposall made last Assembly.

Voted and resolved that the said mony be kept in Banck.

22. That an Ordinance pass for the Levy to be layd by the Gov^r and Councill and Justices of the provintiall Court in the fall.

Voted if according to the proposall if the Levy shall be so layd, and rejected nemine contradicente the same being an infringem^t of the Right of the Subject.

23. That a Law be made that what priests hereafter come into the Country be obliged to produce their Orders in such a tyme and that they presume not to marry any protestant to a papist without receiving a Certificate from some Minister of

Original the Church of England of such protestants being marryed by
Journal. a Minister of the said Church first.

Resolved that the Laws have Sufficiently provided therefore.

House adjourned for two hours.

Post Meridiem house mett. Absent.

Mr Watson Cap^t Bayne Col. Hanson Cap^t Hill Mr. Ling-
ham Mr Hutchins Major Dent Mr Boothby Major Maxwell,
Mr. Robert Smith, Major Ennalls Mr. Scarborough Col. Her-
man & Col: Codd.

p. 16 Then the house proceeded to further Consideracōn of the
proposalls yesterday layd before them, and voted & resolved
thereon as followeth Viz^t

24th His Ex^{cy} finding that the Inhabitants of Somerset
County are [still dissatisfyed] and [cannot] yet agree about
placing of the [Court house within] the said County, Does
therefore propose [that the said County] be divided into two
Countys Viz^t [the sea board side to] make one County and
the Bay Side [the other]

The house are [since] informed that the said Inhabitants
are agreed, have built their Court house and desire no such
division.

25th That the Co^mittee (by a Resolve of the house) ap-
pointed in May Assembly last to inspect the Accompt of the
one shill: per hogshead since the Revolution their Report
be examined and taken into Consideration according to
reference of the house made last Sessions.

Resolved that the said Reporte be layd before the house.

26. That Colonel Herman be discoursed with to know
whether the Stad^t house will be covered before Winter and
that he be obliged to secure the same Safely from the Weather
before that tyme if he cannot finish it.

Referred till Col. Herman appear in the house, And in Case
he do not take Care to do the same.

Ordered the Overseers of the publike Worke take Care
to see the same secured.

27. Whereas it hath pleased Almighty God to prosper his
Ma^{ty}s forces both by Sea and land, proposed that a Day be
appointed to be sett asyde for the same according to an Ord^r
of Councill last March, especially for the happy news of his
Ma^{ty}s Safe Return being suspended until now for the more
Solemne pformance thereof.

This house humbly desire his Ex^{cy} will appoint a Day there-
fore

p. 17 28. That a Clause be incerted in the Act for Towns that no
person coming to the port of Annapolis be arrested within

that porte unless his Stay shall exceed forty eight hours, and a penalty be inflicted upon the Officer transgressing therein. Original
Journal.

That some priviledges [be given to] them that are or shall be Inhabitants [of that porte and] Town at present, or shall come within [two years hereafter and] actually reside within the same for [seven years together] thence ensuing, shall themselves with [their posterities] have and enjoy all priviledges now [to be granted or] which hereafter at any tyme shall be gra[n]ted forever.] And to find out some way or other to encourage them it is proposed, That no Inhabitant of the said port be lyable to be arrested in any County of the province or other place save within the Libertyes of the said Town and porte, That the Inhabitants of the Towne pay no County Levy nor to have to do with any County Roads clearing but what are in or about the said Town, That an Act pass empowering the Towns people to purchase a Co^mon, And for the Co^missioners of the said Towne to make by Laws with power to fyne any p^sons Inhabitants co^mitting breach thereof in such sume to be ascertayned.

To assess the Conduit made at the publique Charge. That the Co^mon be well cleared with the points of Land and the place dividing the Co^mon to be well ditched.

That an handsome pair of Gates be made at the coming in of the Town and two tryangular Houses built for the Ranger. To have the Way from the Gate to go directly to the top of the Hill without the Towne and to be ditched on each syde and set with Quick setts or some such thing.

That parte of the Land lying upon the Creek by Major Dorseys house where his Ex^{cy} at present lives be sett aside for publique Buildings and if in case the same happen to come within any of the said Majors Lotts proposed that Land be given him elsewhere

To have in the said Towne two fairs a year, and no person p. 18 coming thither to be arrested for one day before the s^d ffair and one day after.

That some Ord^{rs} of Assembly be made about the School and Church. To confirm by a Law the three or four Roads his Ex^{cy} [has lately caused to be] made leading to this Towne [the County be obliged] to keep them.

That forty [foot space be left along] the Water syde within the port of [Annapolis for any person] to build Ware houses upon if the owners [of such lotts that] front upon the same do not build thereon in [such a] tyme to be sett.

That the holes made by grubbing up Stumps and cutting of topps of Stones &c in the said port be filled up.

All which proposalls relating to the Encouraging and Advancing of the port of Annapolis.

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This house are of Opinion that if his Ex^{cy} pleases to grant a Charter unto the port of Annapolis he may thereby grant unto the Inhabitants thereof all reasonable priviledges and imunities as to his Ex^{cy} shall seem fitt As to assessing the Conduit at the publike Charge.

This house thinke the Charge thereof so inconsiderable that if the Inhabitants of this port have a mind to have such Conduit Built they may easily contribute and provide for the same. As to the Land to be sett aside for publike Builders, this house concurs with his Ex^{cys} proposall, and are willing that Major Dorsey (if any the Land fall within his Lotts) may have other Land therefore in some other parte of the Town.

Message from his Ma^{tys} hon^{ble} Councill &c by Mr. Henry Denton Cl of the Council By the Councill in Assembly &c. May the 2^d 1696.

p. 19 It being moved at the Board that some Reasons might be given upon a proposall yesterday layed before the house touching Shipps now in the Country inductive to their Addressing his Ex^{cy} that he would be pleased to Suffer the Same to be cleared do therefore offer to the Consideration of the house the following Reasons, to the End if the house thinks them Sufficient & propper they may joyne with them therein.

First it is rep^rsented

That if the [shipps gett home, his Ma^{ty}] will get his Custom's

2. The Seamen [may be serviceable] to his Ma^{ty} when got home.

3. The Worme [may endanger their Shipps] by staying in the Country besides provisions [are very scarce here.]

4. That if the Shipps [should] be stopt to go in a Fleet together there are but two Londonners of any force, and the rest ly Scattered in other ports.

5. It is observed that shipps that Sum^r here do usually stay till the next Spring, by reason of mens falling sick in the Country.

Signd p Ord^r

Hen. Denton Cl. Concil.

The above Message being read in the house and considered Voted nemine contradicente that W Bladen Clarke of this house go up to their Ma^{tys} hon^{ble} Councill with the following Message.

By the House of Burgesses May the 2^d 1696.

Upon perusall of the Message delivered this house by the Clarke of the Councill relating to Shipps in the Country, We humbly desire the Opinion of the hon^{ble} Councill if the said

shippes shall be stopt or cleared, and thereupon We shall either concur therewith or offer such Reasons to the contrary as We humbly conceive will be Satisfactory.

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Journal.

Signed p Ord^r
W Bladen Cl Assembly

House adjourns for a Q^r of an hour.

House met. The Clarke of this house being returned saith that he delivered the Message by him sent to their Ma^{tys} hon^{ble} Councill.

The house adjourned untill 7 of the Clock on Munday morning.

Munday May the 4th 1696.

p. 20

The house met and upon calling over were absent Mr Watson Col Hanson Mr Hutchins Major Dent Mr Hutchison Mr Boothby Mr Robert Smith Major Ennalls Mr Scarborough Col: Herman and Colonel Codd.

Message [from the Hon^{ble}] Councill.

By the hon^{ble} his [Ma^{tys} Council in Assembly,] May the 2^d 1696.

This Board has perused [a message of] your house by your Clarke sent touching the [Shipps] &c. And for answer returne that they are of Opinion it will conduce most to his Ma^{tys} Service that the Shipps now in the Country be cleared as they are got ready and for the Reasons already layd before the house which this Board take to be good Reasons.

Signed p Ord^r
Hen Denton Cl Concl.

The which Message being read was ordered to be sent up again to his Ma^{ty} hon^{ble} Councill with the following Answer endorsed.

By the house of Burgesses May the 4th 1696.

That the house concur with the Opinion of his Ma^{tys} hon^{ble} Councill that the Shipps be cleared.

Signed p Ord^r
Sent p Major Hamond & Major W Bladen Cl Assembly
Dorsey.

Put to the Question if every member absent after the calling over the house unless he shew Cause therefore shall not be

Original censured in the sume of 100^l tob: to the use of the poor of
Journal. that County he represents, And carryed in the Affirmative.

Cap^t Thomas Waughop Mr Robert Mason & Mr. Philip Clarke and Mr George Lingham for their having been absent are censured according to the aforegoing Vote each in the Sume of 100^l tob: to the use before declared.

p. 21 Then read over what was done on Saturday last.

Major Hamond and Major Dorsey returne and say they have delivered their Message.

A Member of this house moving that the Vestry of Coventry parish in Somersett County having a considerable sume of tob: in their hands desire . . . of this house whether they shall . . . or build a School.

Put to the Qu[estion and carryed by a] Majority of Voices that they purchase [a Glebe therewith]

Then [appointed the comittee] of Laws.

Cap^t Richard Hill [Major John] Thompson Mr Philip Clarke Mr Willm Helmesly and Mr. Nicholas Low.

The s^d Comittee sent out.

Major Thomas Smithson Chairman of the Comittee of Agrievances presents the following Reporte.

By the Comittee of Agrievances proposed 2^d of May 1696.

That it is too apparent and manifest that the Inhabitants of this province do in great Numbers remove themselves from hence to other Colonyes, that the great Levyes in many County's arise from the number of poor Children & distressed people that many Women and Children are brought into such distress by their husbands leaving them and the Creditor seizing all they have that in many County's the goals are full, and it manifestly appears the Charges of severall County's are thereby increasing by reason the fathers of many poor familys are imprisoned and undone, and their Children consequently come on the Countyes.

That not only the meanest but very many more Substantiall Housekeepers have now exposed their reall Estates to Sale at halfe the Worth, and prepare to depart. That there is no doubt but that Debt and terror of Suite is the principall Cause.

That the Lord proprietary by his Bonds taken for Warr^{ts} and Arrears of Rent and the publique Officers for their ffees are now become the Cred^{rs} of Vast and imense sumes, which (especially my Lords) are now threatened to be levyed with Rigor though scarce demanded before this last unseasonable year.

That such doings will augm^t the Terror with all the bad Consequences of it, That it is improbable the province can pay all those Bonds Bills and arrears in many years in ready tob: that the house would consider some Way that such Debts may be more easily paid and that without such terror and dread of Imprisonm^t Which may perhaps in some measure (at least in the [terror of it]) if his Lordps Agents and all publique [officers be restrained] from having Writts of Execution by [Ca. Sa., but only by fi. fa.] for 2 or 3 years & that negroes [and servants be exempted] from such Executions and that husbandry [be more] encouraged by making Wheat and other Grain pay especially for Bonds or Bills past for Land at a greater Rate then in the p^rsent Act for encouraging Tillage &c. considering the tob: such Difficult years as this excepted) is now at lower price then when that Act was made. That it is reasonable for his Lordp to take any produce of Land in paym^t for Warr^{ts} because after he had induced people to inhabit this province by that Condition of plantations by way of Rights, which was expected to have perpetually continued, His Lordp (notwithstanding the people by possessing considerable part of the Land and by forming an Assembly by their Delegates seem to have had so great a share and Interest in the Welfare of this province and things relating to reallity) made alteration of the former Conditions without their Assents, And though the present Condition of plantations be moderate; yet the p^rmises considered he having made such alteration without consent of the people may accept with reason such pay as the province is at p^rsent capable of affording, proposed further that the ffees of his Lordps Officers being to be exacted from the people of this province may be ly^mited by Law, It being most unreasonable that any authority should be in this province, uncontroulable by the Legislative power thereof.

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Journal.
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Upon reading the Above Report, Tho: Smithson Chairman The house are of Opinion that the Law has already provided ag^t the said Agrievances.

House adjourns for two hours.

Post Meridiem the house met and upon calling over the fol-
lowing Members were absent Viz^t

p. 23

Mr Watson Col: Hanson Major Smith Major Dorsey Mr Hutchins Major Dent Mr Hutchison Mr Boothby Major Maxwell Mr Smith Major Ennalls Mr Scarborough Col Herman & Col: Codd.

Mr Edward Boothby appeared in the house.

Capt. John Bayne [Capt.] Thomas [Waughop Mr.] Edw^d Boothby and Major James Maxwell [having tendered their

Original reasonable] Excuse why they did not appear here in [the
Journal. house according to] prorogation thereof are not excused, and
[ordered to pay the messengers] fees and Charges that were
sent for them.

Whereas an Ord^r of [his Ex^{cy}] the Gov^r and Council of
the first of May 1696 put up at the Door of this House order-
ing that the Clarks and other persons have recourse to their
severall Offices notwithstanding the sitting of the house of
Burgesses was brought before this house.

Resolved the following Message be sent up to his Ma^{ty}s
hon^{ble} Council.

By the house of Burgesses May the 4th 1696.

This house does highly resent and are much grieved to see
their priviledges so much intrrenched upon by the hon^{ble} his
Ma^{ty}s Council as appears by a late paper affixed at the Door
of the House of Assembly at a publique meeting upon the
Sabbath Day, in which they endeavor to debarr them of that
Right which is due to the meanest and Inferior Court of this
Province to witt privacy and uninterrupted, and more espe-
cially since this house considering the p^rsent inconveniencies
have never debarrd the Clarks from their Offices further then
in prudence and our Duty to his Ma^{ty}s service required, and
therefore humbly desire the said paper in which our Rights
and priviledges are so trampled upon may not remain upon
the Journalls of the Hon^{ble} Council. For as We shall
p. 24 ever endeavor to the whole world to give an Ample testi-
mony of our Duty and Affection to his Ex^{cy} and the hon^{ble} his
Council so likewise We shall endeavor to preserve the
Rights and priviledges We are intrusted with as representa-
tives of his Ma^{ty}s Loyall and dutifull Subjects of this province.

Sign'd p Ord^r

[W: Bladen, Clk of] Assembly.

Sent by Mr Tasker [Major Hammond Mr Mason] Mr
Frisby Mr Clarke Mr Boothby Major [Smallwood Mr Lowe,]
Major Smithson & Col. pearce.

Mr Tasker and the [rest of the members] sent returne
to the House and say they have [delivered] their Message.

Mr Boothby added to the Com^{it}tee of Laws.

Ordered the Com^{it}tee of Laws send for Books papers
Records or any person or persons they shall think fitt to advise
with.

The Keeper of the Great Seals Letter read in the house
relating to his fees. Ordered that he bring in his Acc^t of

the severall transcripts of Law &c to be regulated by the house

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Journal.

Thomas Odall one of the Coroners of this County appearing here in Custody of the Serj^t at Arms and alleadging that he did not comitt the Offence wherewith he is charged out of any disobedience or disrespect to this house, but that he was utterly ignorant of the priviledges thereof, and humbly begging pardon of the house.

Ordered he be discharged paying his ffees.

Ordered that the Serj^t at Arms take Richard Clarke into Custody and have him imediately before the house to answer what shall be objected ag^t him.

Then appointed of the Comitte of Accompts, Mr Robert Mason Mr George Lingham Major Th^o Smith and Mr. John Pollard

Resolved the Act for recovery of small Debts be examined and inspected by the house.

The house adjourne till 7 a Clock to morrow morning.

Tuesday May the 5th 1696.

p. 25

The house met and upon calling over were absent Mr Watson Col. Hanson Cap^t Hill Mr Hutchins Major Dent Mr Boothby Mr Robert Smith Mr Low Mr. Helmsley Major Ennalls Mr. Scarbourough and Colonel Herrman.

Message from [his Ex^{cy} the Gov^r and Councill] by the hon^{ble} Col. George Robotham Col: [Nicholas Greenbury and Capt.] John Courts Viz^t

By his Ex^{cy} the Gov^r and Councill] May the 4th 1696.

The Message by [Capt. Tasker and severall] others of the houses Members sent has been here [read and considered,] in Answer whereto his Ex^{cy} is pleased to declare that [by the order] of Councill of the first of May instant relating to the Clark's and other persons having Recourse to the Offices &c. It was not intended that the priviledges of the house should be any ways encroached upon, neither does this Board take it to be any breach at all, but on the Contrary do hold it to be a breach of Magna Charta and of the Libertyes of the people that the Kings Offices should be shutt up especially considering Recourse might be had to the same through the Comissary's Office, without going through the place where the house sitts. And it is recomended by this Board to the house that they would peruse the severall Copyes of the County Levyes herewith sent in order to make Inquiry and Examine, whether there

Original are not severall Articles therein charged and allowed ag^t the
Journal. priviledges of the people and known laws of this province.
Talbot County Levy being not yet Returned shall be layd
also before the house when received.

As to the houses taking notice that the said Ord^r was affixed to the Door of their House and on the Sabbath Day, It is observed to them that It was affixed at the Church Door that all persons might have publique notice thereof, and if the said Ord^r was not taken down the last night the fault lyes in the negligence of some of the Officers.

His Ex^{cy} is pleased in particular to represent he is sorry to find that the Country is so far engaged and burthened that the house cannot conveniently meet so often to dispatch the necessary busieness impendent upon them by reason of the great Charge
p. 26 thereby accrewing, Does therefore propose they would make a Law that either two Delegates might be chose to be sent out of each County to serve, Or that some Ordinance or a Law might pass for the House to appoint two members at a tyme to come out of each County to dispatch the Country's busieness, whereby the Levy's will be eased and the Country not [groan under] that Burthen; for that it is not known how [soon the Assembly may] again meet; by reason his Ma^{ty} [Royall Commands are not] yet come to hand. And it is further [represented that the] Colony of Virginia which has nigh dowble [the Tythables of this] province have but about the Same Num[ber of Burgesses]

Signd p Order
Hen: Denton Cl. Concil:

The which Message being read and considered of, Voted and Resolved Nemine contradicente that the following Message be sent up to his Ex^{cy} the Gov^r & the hon^{ble} his Ma^{tys} Councill

By the house of Burgesses May the 5th 1696.

Upon perusall of that part of the Message of the hon^{ble} Councill this day brought to the house in Answer to our Message yesterday sent to your board in Relation to the Ord^r of Councill affixed at the Door of the house of Assembly, We finde the same no ways Satisfactory to our Desire in the said Message Viz^t that the said Ord^r may not stand on the Journall of the hon^{ble} Councill, therefore humbly presume to press the same again to yo^r Ex^{cy} and his Ma^{tys} hon^{ble} Councill that it may be taken off otherwise this house will adjourne to some other place, & proceed to no other busieness untill such tyme as We shall receive a Satisfactory answer hereto.

Signed p Ord^r
W Bladen Cl. Assemb:

The above Message sent to his Ma^{ty} hon^{ble} Councill by Original
Journal.

Major Hamond Capt Bayn, Mr. Saunders, Major Smithson
Major Thompson Mr. Pollard, Mr Hooper, Mr Clarke Mr
Helmlesley, Major Smith Major Dorsey Cap^t Tasker Mr
Mason Mr Ferry Major Smalwood & Mr. Hutchison Major
Hamond and the rest of the members returne to the house and
say they have delivered their Message.

The house adjourns till 12 a Clock.

Post Meridiem. House met Absent

Mr Watson Capt Waughop Col Hanson Mr Robert Smith p. 27
Mr Hutchins Mr Scarborough Colonel Herman and Col. Codd

Mr Lingham & Mr Pollard sent to acquaint his Ma^{tys} hon^{ble}
Councill that the house is now sitting if they have any thing to
com^municate to them.

Message from his Ex^{cy} [the Gov^r and] Councill by the hon^{ble}
Colonel Charles Hutchins [and Colonel David Browne.]

By his Ex^{cy} [the Gov^r and Councill May] the 5th 1696.

The Message by [Major Hamond and severall] others of the
houses Members was received [and these two questions] asked
Viz^t whether all the members were [p^rsent at that vote] pass-
ing & whether the same passed nemine con[tradicante (neither)]
of which appearing upon the paper) And then some [further]
Answer shall be given therein which We hope in God will be
Satisfactory.

Signed p Ord^r
Hen: Denton Cl: Concil.

The which Message being read in the house Resolved
nemine contradicante the following Message to be sent up to
his Ma^{tys} hon^{ble} Councill.

By the house of Burgesses May the 5th 1696.

This house do wonder and are much agrieved at the
Unparliamentary proceedings and continuance of the Breach
of our priviledges by his Ma^{tys} hon^{ble} Councill that instead of
affording us the reasonable Satisfaction by this house desired
your Board should further proceed to infringe Our priviledges
by requiring to know what members were present or absent
when this house resolved upon sending the Message this Day
by Major Hamond and other Members of this house; yet for
Satisfaction of the hon^{ble} Board We acquaint you the same was
resolved nemine contradicante therefore once more humbly

Original
Journal. desire some Satisfactory Answer to our former Message,
Upon which we shall readily proceed to such Busieness as his
Ex^{cy} shall propose for his Ma^{tys} Service and the Welfare of
this province.

Signd p Ord^r
W Bladen Cl: Assembly.

The above Message sent to the hon^{ble} Councill by Mr
Jenkins Mr Hawkins Mr Lingham Mr Hutchison Mr Low
Mr Bosman Major Maxwell Major Ennalls Mr Dixon Mr
Frisby Col: pearce Mr Hicks & Col. Hinson.

Capt Hill Enters the house.

p. 28 Ordered that the Serj^t at Arms take into his Custody Cap^t
Tho^s Waughop and Mr Edward Boothby Members of this
house who have not appeared this Afternoon according to
Adjournment And bring them before the house to answer their
Contempt.

Cap^t Waughop & Mr Boothby brought before this house
in Custody of the Serg^t at Arms, Ordered they remain in
Custody untill they pay their ffees.

Mr Jenkins [and the rest of the Members] sent up to the
hon^{ble} Councill [returns and say they have] delivered their
Message

The house is [adjourned for an hour.]

The house again [mett.]

The hon^{ble} Col: [George Robotham and] James Frisby Esq^r
came downe from his Ex^{cy} and [acquainted] the house that
Ex^{cy} required their Attendance imediately at the Councill
Chamber.

Whereupon the house adjourne to attend his Ex^{cy} at the
Councill Chamber where being admitted His Ex^{cy} told them he
was sorry to send for them upon this Occasion to witt that there
should be difference between the hon^{ble} his Ma^{tys} Councill & the
house that he had never proposed any thing to them but for the
Honor of God his Ma^{tys} Service & the Welfare of the province
to which the house had Voluntarily assented & that as for his
own particular he had never asked any thing of them. To
which Mr Speaker replyed that as he was but one of the house
so without their Advice & Consent he could make no reply
yet he durst undertake that the whole house believed that his
Ex^{cy} had very hon^{ble} Intentions to the house which had only
endeavoured to maynteyn its ancient priviledges. Then his
Ex^{cy} told them he had found out an expedient to put an end
to their Differences, And thereupon prorogued them untill the
6th instant.

W Bladen Cl. Assembly

Recorded and Examined

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p. 1

Maryland ss.

Journall of the House of Burgesses.

May the 6th A^o Dni 1696.

Whereas this house by his Ex^{cy} Francis Nicholson Esq^r his Ma^{tys} [Gov^r in chief] over this his province and Territory [thereunto belonging] was prorogued from the fifth [day of this month untill] this day being the 6th Instant Accord[ing to the said prorogation] they mett And Mr Speaker having [taken the Chair] ordered the house to be called over.

Upon which the following members were absent Mr John Watson Cap^t Tho^s Wawhop Col. Hans Hanson Cap^t Rich^d Hill Mr Francis Hutchins Mr Edw^d Boothby Mr Robert Smith. Mr William Helmsley Mr Mathew Scarborough Mr Francis Jenkins Col. Casparus Herman and Col: S^t Leidger Codd.

Major Hamond Mr Mason Mr Clarke Cap^t Tasker Major Smithson and Major Thompson Sent up to his Ex^{cy} to acquaint him this house is mett according to prorogation yesterday And desire his Ex^{cy} would be pleased to impart to them what he has to offer to this House.

Appointed of the Com̄ittee of Aggrievances.

Major Smithson Mr Saunders Mr Frisby and Col: Peirce of the Com̄ittee of Laws.

Major Dent Mr Boothby Mr Clarke Mr Low Major Thompson.

Then also appointed of the Comittee of Accompts.

Mr Mason Major Smith Mr Pollard and Mr Lingham.

Major Hamond and the rest of the Members returne to the House and say they have delivered their Message.

The hon^{ble} Col: John Addison and Thomas Brooke Esq^r came downe from his Ex^{cy} and Signified that his Ex^{cy} required their Attendance immediately at the Councill Chamber.

House adjourned to the Councill Chamber Where being p. 2
admitted his Ex^{cy} Thus bespoake them That he was sorry he should come into the Country when It was so much in Debt, And not only soe but the people divided amongst themselves, yet he hoped they had now forgott all Differences and would bend the utmost of their Endeavors for [his Ma^{tys} and] the Country's Service And proposes that [to answer the ends of this] province they would lay an Additional [duty of 10^s] upon Negroes, and also continue the [additional duties of 3^d p] hogsh^d Whereby the Country would [not only be enabled to go]

Original through with what they had already under[taken, but also dis-]
Journal. engage themselves from their p^rsent Incumbrances; [he also]
told them that he that once put his hand to the plow ought
not to look back and that he hoped that they had not only
well begun, but would goe through therewith so that he hoped
this might be said to be the finishing Assembly And then read
to them two Lr^s from S^r Thomas Laurence Barr^t in Relation
to the publike Affairs of this province in England by him
negotiated.

After which Mr Speaker and the rest of the Members
returned to the house where Mr Speaker having taken the
Chair Adjourned the House for two hours.

Post Meridiem. The house mett. Absent

Mr Watson, Col: Hanson, Mr Hutchins, Mr Rob^t Smith,
Mr Scarborough Mr Jenkins, Col: Herman Col: Codd.

Mr Sam^l Watkins appears in the house and Crave's allow-
ance for a fatt of Bisquitt pressed from his p^rdecessor Mr
Andrew Abbingtion for the use of this province according to
former Ord^r of the House and is referred to the Co^mittee of
Accompts for allowance therefore.

Moved in the house and put to the Question Mr Nicholas
Low having agreed with the Com^{rs} of the Port of William
Stad^t and sold them for the s^d Town one hundred Acres of
Land at the rate of 500 l tob: p Acre or Lott, if the said Sum^e
of 500 l tob. ought not to be paid him by the severall persons
taking up the said Lotts.

p. 3 Carried by Majority of Voices that it is the Opinion of this
House that Mr Low ought to be paid the sum^e of 500 l tob:
by each person taking up a Lott in the port of William Stad^t
according to his Agreem^t with the Com^{rs} and in case they
refuse so to do, he has his Action at the Co^mon Law therefore.

Sev^rall [proposalls] from [his Ex^{cy}] before this house for
their Considera[tion passed. Debated and] resolved on as
followeth Imp^{rs} proposed that [the House will consult] whether
the 225 Acres layd out at [William Stad^t for a towne and]
Co^mon or 200 Acres only (omitting the [25 acres) was
intended to] Stand.

Resolved that [the intent] of this House was 200 Acres only
as appears by our Journall.

2. That all ffees be settled Viz^t the Chancellors ffees for
Sealing the Laws &c.

A Law already provided therefore.

3 The Attorney and Solicitor Gen^{ls} Fees

Original
Journal.

Already Settled

4 The Collectors and Navall Officers ffees complaint being made that they take more then their Dues.

Already Settled

5. The Clarke of the Councills ffees, & the ffees to be taken by the Clarke to the Gov^r and Councill for hearing Appeals and Writts of Error.

Ordered Mr Henry Denton p^rsent a Schedule of such ffees.

6 That the Burgesses Allowances be also Setled.

provided for already by an Act of this province

7. Quære whether provision and Corne being so scarce whether it be thought necessary to hinder the Exportation thereof to Virginia least the ffeet expected into this province should want the same.

The house desire if his Ex^{cy} thinks fitt that he would be pleased to issue his proclamation ag^t the Exportacōn of Corne.

8 That there be an Address Sent to his Ma^{ty} about the Congratulation, And that a Letter be writt to the Arch Bishop and Bishop of London. p. 4

The House Concurr with his Ex^{cys} Proposall

9 That a Law be made to explayne Beer Syd^r and wine Measure Resolved that all Beer to be sold in this province be sold according Measures and Syd^r according to Wine Mea

10. That a Law [be made ag^t Ordinary] Keepers trusting of Labourers and Seamen [too much, and that some Stint] be put to the Same,

The Law [hath already Sufficiently] provided.

11. That a Law be [made that the inhabi]tants of the two ports of Annapolis and William [Stadt] be exempt from the penalty of the Act ag^t Forestallers and Regraters, and that the said Law may not reach them

Resolved that the Actuall Inhabitants of the two ports of Annapolis and William Stad^t be exempt from the penalty of the Act ag^t Forestallers & regraters.

Mr. John Edmondson's Lrē to his Ex^{cy} read in the house

The above proposalls & following Message Sent to his

Original Journal. Ex^{cy} the Gov^r & his Ma^{tys} hon^{ble} Councill by Major Hamond and Major Dorsey.

By the house of Burgesses May the 6th 1696.

We humbly thanke your Ex^{cy} for your kind Invitation of our Members; but our Comittees being sent out If We should admitt of their Absence, We should be forced to adjourne and cannot proceed upon the Country Busieness for Want of Suffi-
cient Members to make up an house.

Signed p Ord.
W Bladen Cl: Assemb:

Major Hamond and Major Dorsey returne and say they have delivered their Message.

p. 5 Rich^d Clarke appearing here this Day in Custody of the Serj^t at Arms Ordered Henry Mathews and Sarah his Wife be called to appear and give Evidence ag^t the s^d Clarke Henry Mathews and Sarah his Wife appearing in the house & having first being sworne before Major Hamond one of his Ma^{tys} Justices of the provinciall Courts. The said Sarah deposed that on Munday morning [being] the 4th Instant she saw the prisoner upon a large [darke] Bay horse having an hanging [mayn] with a [bobe tayle, and] branded on the nan Buttock thus * [the middle being scurffey] that Rich^d Clarke kept out of [the Road along the fence] syde till out of the Gate and the[n put on very ffast.]

Cap^t Bay[ne, one of the Members] of this House alleadged That he lost [his horse on] Munday morning last having the above Brand [and in] every particular the same as the said Sarah had described.

Rich^d Clarke alleadged the horse was his owne and that he would produce the Same before this house with all convenient Speed.

Ordered Rich^d Clarke be again comitted into Custody of the Serj^t at Arms.

Moved in the house that Richard Clarke may give Bayle Whereupon put to the Question whether the said Clarke shall be admitted to Bayle or not.

Carried by Majority of Voices that he be admitted to Bayle so that he appear before this house on fryday morning next. At which tyme he is ordered to produce the said Horse

Mr Henry Dentons petition read And an Act by him proposed for the Settling his ffees.

The house considering that to morrow is a day sett aside by his Ex^{cy}'s proclamation for a publique thanksgiving Adjourned untill 6. of the Clock on Fryday morning

Fryday May the 8th 1696.

Original
Journal.

The house met and were absent Mr John Watson Col: Hanson Mr Hutchins Mr Robert Smith Mr. Scarborough Col. Herman & Col. Codd.

Then read over what was done yesterday.

Put to the Question that Whereas the Com^{rs} of the port of Williamstad^t having agried with Mr. Nicholas Low for one hundred Acres of [Land] for a Towne Comon at the price of 12000 l of tob: if [he] shall not be restored to his Title therein unless the said [sume] of tob: shall be paid him by the next fall.

Carried by he shall unless the Tob: be paid

Upon pe[rusall of Letters] from his Ex^{cy} our Gov^r to his Ex^{cy} Col: [Benjamin Fletcher] Ma^{tys} Gov^r of New York as also Severall Letters [from] the said Gov^r of New Yorke to his Ex^{cy} requiring a further Supply from this province for the Assistance of New Yorke.

The house taking into Consideration that this province had addressed his Ma^{ty} to be relieved from that Burthen, to which Address his Ma^{tys} Gracious pleasure is not yet Signified.

Also reflecting that our selves are under the Same and no greater Obligation then our Neighbouring Colony of Virginia who have not as yet advanced any thing although We have advanced the Sume of 333^{ll} 6^s 8^d sterl. Nor has the s^d Governm^t of New Yorke taken any Care to make the Absolute necessity of such Assistance required apparent to this house. And considering the present ill Circumstances of this province by the great Mortallity of Cattle Scarceness of provisions and the great and Vast debts this province is engaged in, and also the Misfortune of the Fleet expected from England not being yet arrived rendring us incapable of Affording such Assistance.

Put to the Question if any further Supply shall be sent from this province to the Assistance of New Yorke.

Resolved nemine contradicente no further Supply to be granted from this province for Assistance of New Yorke, nor any further Answer given to that Government as to that Matter untill his Ma^{tys} further pleasure shall be Signified therein

The above Resolve Sent [to] his Ma^{tys} hon^{ble} Councill by Major Hamond and Major Dorsey.

House [adjourned for two hours]

Po[st meridiem]

The house [mett, and upon] calling over the following members were [absent, viz^t] Mr Watson Cap^t Bayn Colonel

Original Journal. Hanson Mr Robert Smith Mr Scarborough Col: Herman and Col: Codd.

The house being informed by the Committee of Laws that according to Ord^r of the house they had sent for Col: Henry Darnall who now attended upon the house.

Ordered that Major Dent and Mr. Clarke Goe to Col. Henry Darnall and acquaint him that the house is not at Leisure to enter upon the Debate wherein his attendance was required, but soe soon as they shall they will give him notice thereof.

A Bill for Quieting Successions and Securing to the Successive proprietary's their Rights & Rents for Surplussage Lands read the first tyme.

A Bill appointing the Sev^rall Justices of the Sev^rall County's and the Sev^rall Vestrys to returne their proceedings yearly to the Gov^r and Councill. Read the first tyme.

A Bill to prevent people driving away horses and Cattle into the Woods read the first tyme.

p. 8 A Bill for Speedy Justice and Encouragem^t of Trade. Read the [first] tyme

Put to the Question if this Law shall constitute [more Courts in the Wi]nter then are already [appointed by act of] Assembly.

Carryed [by majority of] Voices that no more Courts [be thereby constituted] than what are already appointed [by act of] Assembly.

Put to the Question if a Copy of the Declaration Sent with the Writt ten days before Court and also filed in the Clarks Office the Defd^t shall not be obliged to come to tryall the ensueing Court.

Carryed by Majority of Voices that he shall.

Rich^d Clarke appearing by Ord^r of the house in Custody of the Serjeant at Arms.

And it being alleadged that the said Richard Clarke had reflected upon & abused sev^rall of the Members of this house,

Ord^red that the s^d Rich^d Clarke be again comitted into the Custody of the Serj^t at Arms.

Whereupon the s^d Rich^d Clarke withdrew.

p. 9 Also Ordered that the Serj^t at Arms have the s^d Rich^d Clarke before this house before 5 of the Clock on Munday in the Afternoon.

Cap^t Hill added to [the] Comon Laws.

Ordered that the s^d Committee [confer] with Colonel Henry Darnall put to the [question if an act shall] be made to impower the Com^{rs} of [Kent County to purchase three] Acres

of Land to build a Court house on [or in case persons own- Original
ing] refuse to sell the same to have it layd [out and assessed Journal.
by a Jury.]

~ Carried by [majority of voices, and] a Bill be prepared therefore.

Reported from the Committee of Aggrievances That Complaints are made from all parts of this province that the Navall Officers of the severall and respective Districts within this province exact severall Dutys from the Good people Traders into and Inhabitants within this Province and oblige them to many Difficultyes and Inconveniencies which by Law they are not confined to, for the better understanding thereof and more perfect explanation of the same as It is to us represented, We humbly present that notwithstanding the Act for Tunnage and ascertayning Navall Officers ffees allows 5^s sterl for Entring and 5^s Sterl for clearing a shipp of the burthen of one hundred Tunns or under intends that the said Summes of five shillings Sterling should be in full Satisfaction for all Nevertheless the said Officers beside the 5^s Sterl exact another ffee not allowed by the said Act for taking Bond, desire it may be more fully explainned, that the Intent of five shillings for shippes of one hundred Tunns and ten shillings for shippes of greater Burthen was to be in full of all ffees and that no Collector or Navall Officer exact more.

2. Notwithstanding it is provided by the said Act that all Boats under eighteen foot by the Keele are to pass and repass wthout pmitts &c. Unless they carry prohibited Goods, Yet the Owners of such Boats are constrayned to enter into great Bonds and pay for the Same to their great Damage and Discouragement. By the said Act all Shallops and open Sloops p. 10 are to pay two shilling's and Six pence yearly for permitts and no more, It was intended that one such should be allow'd and approv'd of by the Navall Officers [and Collectors] within this province yet the Ma^r of such shall[op and open] Sloop are forced in every District to make Entry [thereof otherwise are unjustly] prosecuted.

Proposed that if [the aforesaid Act do not already provide] for the Inconvenience hereafter mentioned [it may be remedied by] an Explanatory Act (Viz^t) that shippes [coming from England, or elsewhere] making a fair Entry and producing [lawfull Cocquetts] may after such Entry made of any Sloop or Shallop [transport] any of their Goods for which they have lawfull Cocquetts to any River or Plantation in any other district then where they at first made such entry without Molestation having a Legall permitt for the same to produce (if required)

Original
Journal.

Upon Reading the Above Report

Resolved that an Explanatory Act be made to the Act for Tunnage and ascertayning Navall Officers ffees

The house adjourned untill to morrow morning at Six of the Clock

Saturday May the 9th 1696

The house met and called over were Absent Mr Watson Col: Hanson Mr Hutchins Mr Robert Smith Mr Scarborough Col: Herman and Col: Codd.

Mr Tasker and Major Thompson sent to acquaint Col: Darnall that the house desire he would appeare here with all convenient Speed

Mr Tasker and Major Thompson returne to the house and bring with them Col: Henry Darnall and Mr Charls Carroll

p. 11 The house acquainting Col: Darnall (as he was his Lordp the Lord proprietary's Agent) that they were proposing a Law to be made for Quieting possessions and securing the Rights and Rents of Surplussage Land's to the proprietary's thereof (being thereunto induced by reason of a certain Declaration which the said Col: Darnall [acknowledged he] had by his Lordps Order affixed at the [Door of this House in Oc]tob: last as also at the Doors of the Several [County Court Houses within] this province relating to [surplusage Lands, Col.] Darnall said if the house did intend to [pass and send the law for] England for his Ma^{ty}s Assent he [would say nothing thereto; but] if so be this house would Address send a Copy [to his Lop the Lord Propr]ietary therein with an address he would ime[diately set up a p]ublique Declaration that noe Advantage should [be had or] taken of any the good people of this province of or by reason of the af^d Declaration by him published in Octob: last Untill his Lordps further pleasure should be knowne therein To which the house Assented.

After which the said Col: Darnall & Mr. Carroll withdrew

Put to the Question that if in Case Col: Darnall shall publish such Declaration if a Copy of the Law together with an Address or remonstrance shall not be sent to the Lord Baltemore, or that the said Law be passed here and sent to his Ma^{ty}s for his Assent

Carried by Majority of Voices that a Copy of the said Law with a Remonstrance from this province be sent to his Lordp:

The petition of Kent Island & port of Talbott County read.

Put the Question if such Division shall be made as petitioned for or the s^d County's to stand as by law established.

Carried by Majority of Voices the said County's to stand as by Law established

The petition of Thomas Tench Esq^r The hon^{ble} James Frisby Esq^r & divers other Gentⁿ Merch^{ts} and factors for and on behalfe of themselves and others Original Journal.

Ordered that a Bill be p^rpared for the speedy hearing & determining of those Actions wherein Merch^{ts} are Suitors

Upon reading the petitions of Peter fferdinando and Willm Shoote

Ordered that they be allowed each of them yearly 2000^l of tob a peice out of the publike Levy of this province to be paid them in Charles County.

Allen Robinett his petition read and referrd to the Co^mittee of Acc^{ts} for Allowance. p. 12

George Williams petition read and referrd to the Com^{rs} of Talbott County

Sam^l Howard his [petition read and referred] to the Co^mittee of Acc^{ts} for Allowance.

James Forster [his petition read and referred] to the Co^mittee of Acc^{ts} who are to [enquire and if not already satisfy'd] to allow the same

The petition of [Phillip Pitt and others ves]trymen of the parish of Great Choptanck in [Dorchester County read] And thereupon the House are of Opinion that the s^d Vestry [proceed to] build their Church as to them shall seem convenient.

Vpon reading the petition of Sev^rall the Inhabitants of Dorchester County.

Put to the Question if the Act ag^t Strikeing of ffish in Dorchester and Somerset County's shall be repealed

Carried by Majority of Voices not to be repealed.

Upon reading one other petition to this house of Allen Robinett

Ordered that the said Allen Robinett keep the Ferry over Severne River untill his 12 months be expired Viz^t from March last to March ensuing, And that the severall persons crossing the said fferry not being Inhabitants of this province pay him his Reasonable Reward for setting them over And that for keeping the said fferry he shall have and receive out of the publike Levy of this province nine thousand pounds of tob, provided the said Robinett reside constantly in the port of Annapolis and keep his Boat on this Syde the River otherwise Major Hamond and Major Dorsey are impowered to agree with Some other person that will undertake to keep the same

The house adjourned for an hour.

Post Meridiem House met absent

p. 13

Mr Watson Mr Hutchins Mr Rob^t Smith Mr Scarbrough & Col Codd.

Original
Journal.

Put to the Question if there should be any Chimney in the New Stad^t House or not

Resolved [nemine Contradicente that] there be no Chimney in the new [Stadt House].

Put to the [question if Col. Herman] shall build a back porch to the Stad^t house [and be allowed therefor by] the Country when finished

Carried by [majority of voices that he] shall build a back porch & be allow'd [by the Country for the same] when finished

Ordered [by the House that the] publique Treasurers of this Province pay unto [his Ex^{cy}] the Gov^r what ready money is in their hands and take his Receipt for the same in part of what this province is indebted to his Ex^{cy}

Severall proposalls from His Ex^{cy} layd before this house for their Consideration.

That whereas Thomas Neale Esq^r Ma^r of his Ma^{ty}s Royall Mint had offered his Assistance in Relation to our Act for Advancem^t of Coyns now in England, that this house would write to him and intreate his Friendship therein. Resolved a Lr^e be writt to Thomas Neale Esq^r

That in regard the Fleet is expected in & that provisions are scarce and may be much wanted by the fleet especially if they winter here that the house would Consider that Some Ord^r pass to prohibite the Exportation of Porke and Corne.

The house desire his Ex^{cy} will be pleased to issue his proclamation ag^t the Exportation of Corne as for porke there is no necessity of prohibiting the Exportation thereof.

What shall be done with the Bill taken for the Impost upon ffurs &c

Ordered that they be delivered to the publique Treasurers of this province who are to send them home this shipping & take care to have them received and securely lodged for the Ends designed.

That the Q^r part of the publique Revennue due from Gov^r Copley's Estate being 470^l sterl allotted for the purchasing Arms and Amūnition for this province be taken into the Consideration of the House.

Resolved his Ma^{ty} be addressed therein.

p. 14 That to the End busieness may be carryed on with the more quick Dispatch by obviating Some Objections which by the house may be put, the [following Queries] are put Viz^t

If Skinns and [furs brought out of] Pensilvania & Shipt here ought not to [pay dutys as others exported] And that some Ord^r pass to en[force such persons who] have exported Skinns & furs to pay [the dutys thereupon].

It is the [opinion of the house that] the Act is Sufficient to compe[ll them].

That such persons as [at their own] propper Cost and Charges will build and [keep] Bridewell, that they have a Lease & the Benifitt thereby. Original Journal.

Assented to by the whole house nemine contradicente,
That Suspected persons going over Potomack with good horses be examined and not Suffered to go over.

The Laws have already provided.

That as to former proposall touching pensilvania Trade and Seamen travelling without passes being matter of great Moment for his Mat^{ys} Service during this tyme of Warr the said proposall is therefore more particularly urged and recommended.

Resolved that his Ex^{cys} proclamation touching pensilvania trade and Seamen travelling without passes be duly observed and put in Execution by the sev'all Magistrates and other Inhabitants of this Province.

That Considering how often the Com^{rs} of the Customs hands & Seals Nay even the Broad Seale of England it selfe has been counterfeited that no testimonialls for the future be admitted here but such as shall come out of the plantation Office.

Resolved by the house that the Laws thereunto relating are already Sufficient.

That as to Runaway Serv^{ts} Debtors &c to Virginia &c. that a Law or some proposall pass to be sent to Virginia to effect the same. p. 15

Resolved that proposalls be [made] to Virginia for a Conditionall Act to be passed [here and in that] Colony in relation to such Runaways.

That Ca[re be taken about laying] the publique Levy [seeing] that for the [future it will not be per]mitted to be left to the management [of a private Committee.]

Resolved [thē same be not] layd during the sitting of this house [the house will make] provision therefore.

That the [toleration of such] Liberty as is taken by priests may prove a Discourage[ment to my] Lord Bishop of London to send in Ministers among us therefore is particularly urged & recommended.

Resolved by the house that the Romish priests within this province complying with the Laws thereof be Suffered to marry such persons as shall apply themselves unto them therefore.

That an Act be made straightly enjoyning the severall & respective Sherriffs of the Sev'all County's within this province to give Notice to the severall Inhabitants of their County's to appear at the Election of Burgesses or Rep^rsentatives of the said Countys or otherwise to send their Votes

Original Sealed up to the Sherriff by him to be broaken open at the
Journal. Election.

Resolved that the Laws have already Sufficiently provided therefore.

Resolved that the thanks of this house be returned Mr Perigrine Couey for his thanksgiving Sermon, preached on thursday last being the Day sett apart for a Solemn thanksgiving for his Ma^{tys} Success and Safe Arrivall.

That whereas Mr Anthony Workeman of Kent Island intends to build an house of the value of 100^l sterl And hath Obliged himselfe upon his Decease to leave the same to the Use of Free Schools proposed that an Act be made to confirm the ffee simple of the Land in this port to the s^d Workeman wherein he intends to build the af^d house.

Resolved that a short Bill be prepared therefore.

That An Act be made for Appeals from the Court of Probate of Wills &c. to be heard before his Ex^{cy} the Gov^r & Councill.

p. 16 Resolved that the Laws have already Sufficiently provided for Appeals from the said Court.

That the Severall [publique roads within] this province be ascertained widened & marked [and that the Com^{rs} of] the severall Countys se the same [be cleared and repaired yearly]

Resolved [that the Act of Assembly] appointing Overseer[s of the highways hath suffi]ciently provided therefore.

That the s^d [Roads be recorded in the Sec]retary's Office.

Assen[t]ed to by the house]

Recomended that a in the Port of Annapolis
And that the publique tribute thereto.

Referred to the Consideration of the next Sessions of Assembly.

That the Sev^rall Navall Officers when they pass their Acc^{ts} swear to them before his Ex^{cy} the Gov^r

Assented to by the house.

Ordered that the publique Treasurers of this Province give Bond before his Ex^{cy} as security for performance of their Offices.

That all publique & County Ferryemen upon great Rivers be Suffered to keep Ordinary without Lycence.

Assented to by the house.

The house adjourned till 6. of the Clock on Munday morning.

Munday May the 11th 1696.

House met. Absent Mr Watson Mr Rob^t Smith & Col: Codd.

Then read over what was done Saturday last

Original
Journal.

Reported from the Committee of Laws that according to Order of this house they had discoursed Col: Darnall and had drawn certain proposalls to the Right Hon^{ble} the Lord Proprietary & also a Remonstrance to his Lordp relating to Surplussage Lands which being layd before the house were read.

Coll: Henry Darnall his Lordp Agent & Mr Charls p. 17 Carroll appearing in the house Mr. Speaker acquaints the Colonel Darnall that the house had consented the proposalls and Representation should be sent to his Lordp [and that they had also perused and approved of his

The hon^{ble} Col. Dar and Col. John] Addison came downe from his Ex^{cy} & the hon^{ble} Councill to this] house with severall papers for [the house's perusal]

Put to [the question if the additi]onall Duty of 3^d a hogs-head shall be [continued another yeare]

Carryed [by a majority of voices to be] continued one year more.

Put to the tionall Duty of 10^s p poll on Negroes Imposed shall be imposed year.

And carryed by majority of Voices to be imposed for one year

Ordered that the Committee of Laws prepare Bills for the same.

A Bill for speedy Justice and encouragem^t of trade read the 2^d tyme.

A Bill for the Vestry's to return a Copy of their proceedings & the Justices of the County Co^rs Copyes of their County Levys yearly to the Gov^r & Councill read the first tyme.

The af^d two Bills read again by Ord^r of the house.

Also the af^d Bills read the third tyme by speciall Order of the house.

The house adjourned for two hours.

Post Meridiem. The house again met. Absent Mr Watson Mr Hutchison Mr. Robert Smith Col: Codd.

Put to the Question what a pipe of Madera Wine shall be said to conteyne. Carryed by majority of Voices 100 Gallons.

Resolved Lr^{es} be writt to Mr Blathwayt & Mr Povey.

Ordered his Ex^{cy} be acquainted this house have discoursed Colonel Herman who acquaints them that the Relique of the Senecas & Susquehanah's with the Shawannore Indians had desired peace with this province and that they might be in league & trade here. And that this house desire his Ex^{cy} if he thinks it may be beneficiall to this province to enter into

Original Journal. p. 18 peace with them and that he will take such measures therein as he shall approve of.

The house being [informed] that Mr James Crauford is elected a Member for [Calvert County in] the stead of Mr Thomas Greenfield, [and he alledging he was duly] elected ordered he take his place in [this house].

John Cross [his petition read. Ordered] Major Hamond & Major Dorsey [agree and treat with the said] Cross for keeping the publique fer[ry over South River and] that all persons not Inhabitants of [this province crossing] the s^d ferry pay him his reasonable reward [therefore].

A Bill for the Vestry's to returne their proceedings & the Justices of the County Courts A copy of their County Levy yearly to the Governor & Councill.

A Bill for Speedy Justice & encouragement of Trade. & A Bill to prevent the Abuse of people driving away horses in the Woods with Severall Resolves of this house & other papers sent up to his Ex^{cy} & the hon^{ble} Councill, by Major Hamond Mr Low Mr Ferry Major Maxwell & Col: Hanson.

Ordered the Sev'all Returns of the persons appointed to run the Lynes and make division of St Marys Calvert Charls Kent and Talbott County's be delivered to the Clark of the provincially Court who is hereby ordered to record the Same in the Secretary's Office of this province

Ordered that the Serj^t at arms take Mr Willm parker high Sherrif of Calvert County & Mr John Freeman Reg^r in Chancery into Custody & bring them imediately before this house to shew Cause why they have not returned the Indentures of Election of Mr James Crauford chosen a Delegate for Calvert County.

p. 19 Message from his Ex^{cy} the Gov^r and Councill by the hon^{ble} Col: Charls Hutchins & Col. John Addison who bring downe the three Bills this Day sent up to the Councill & the other papers &c. and the following Message.

By his Ex^{cy} [the Governor and Coun]cill &c.

The Repr[esentation and proposalls] relating to Surplussage Lands &c we[re read and well approved] of by the Gentⁿ of the Councill and his Ex^{cy} [is pleased to remarke to the] house, that if his Lordp does agree [to the same it will be of] good use to the Country And that if [the house will afterwards] consider of further ascertayning [their Lands by a Law] to be made for proccessioning the house will [thereby for]ever make their Titles certain.

Signed p Ord^r
Hen: Denton Cl: Concil

With the foregoing Message came down to this house the petition of Capt James Smith Sherriff of Talbott County thus endorsed Original Journal.

By his Ex^{cy} the Gov^r & Council &c May the 11th 1696.

This Board have considered the within petition and are apt to believe the Matters therein conteyned are true but considering the Representative Body (now met together) are more capable of adjudging thereon is left to their Result; but his Ex^{cy} is pleased to recomēd again to the house a certain proposall layd before them relating to the appointing Severall persons to mannage that Office & bringing tob: to certain places &c And that they would inquire ag^t next year if any persons will undertake the Same there being a whole year now before hand for people to make their proposalls there about

Signd p Ord^r
Hen: Denton Cl. Concil

Mr. John Freeman Reg^r in Chancery appears in the house and is ordered to go up to his Ma^{tys} hon^{ble} Council to demand the Returne of the Indenture of Election of Mr James Crauford elected a Burgess for Calvert County.

Mr William Parker high Sherrif of Calvert County appears p. 20 in the house and say's that he made returne of the s^d Indenture to the Chancellor

Mr John [Freeman returns] to the house and brings with him the af^d [Indenture from his] Ma^{tys} hon^{ble} Council.

Mr Jo[hⁿ Terry sent to call in all] the Co^mmittees.

Major Willi[am Barton, Col. Ninian] Beale & Mr William Hatton enter [the house and say] they are sent as rep^tsentati[ves from Prince Georges Co]junty

Ordered that [they withdraw for] a while.

Major Willm Dent [sent up] to his Ex^{cy} to desire he would be pleased to send downe some of his Ma^{tys} hon^{ble} Council to Administer the usuall Oaths unto the new Members

Whereas Major John Thompson Navall Officer at the head of the Bay having received 30^s impost duty for three negroes imported by Mr John Moll, which negroes are not intended to be exposed for Sale according to Act therefore.

Tis the Opinion of this house that Major Thompson ought to refund Mr Moll the s^d Sum^e of 30^s

Original
Journal.

The Sev^rall Com̄ittees enter the house.

A Bill for the imposition of 20^s p poll on negroes imported read the first tyme and passed

A Bill for assessing 3^d p hogshead on tob: for defraying the publike Charge of this province read the first tyme & passed.

Major Dent returns to the house with the hon^{ble} Col Greenberry & Col Addison who administred the Oaths appointed by Act of parliam^t unto Mr Crauford Major Barton Col Beale & Mr Hatton who in p^rsence of the af^d Gentⁿ of his Ma^{ty}s hon^{ble} Councill Subscribed the test

p. 21 Ordered that the new Members take their places

The house is adjourned till to morrow morning at 6 of the Clock.

Tuesday May [the 12th 1696]

The house [mett, Absent Mr. Watson] Cap^t Waughop Mr Robert Smith [Mr Scarborough and Col. St.] Leidger Codd.

A Bill im[powering the Committee of Kent] County to purchase 3 Acres of [Land whereon to build a Court] house. Read first 2^d & 3^d tymes by [order of the house and passed] nemine contradicente.

Recom̄ended [that Mr. Perry] be continued post for this province at the [same sallary] as last year agreed for

Put to the Question if he shall be continued at the same Sallary

And carryed in the Affirmative nemine contradicente.

Ordered that the publike Treasurer for the Western Shoar of this province pay him 50^l sterl. his Sallary due for his last years service out of what shall accrew to this province.

put to the Question if the Severall Sherriffs shall be continued after their tyme expired according to Act of Assembly for Election of Sherriffs Carryed by majority of Voices that they shall not be continued.

A Bill for laying an Imposition upon negroes read the second tyme. The s^d Bill read the 3^d tyme & passed.

A Bill for Assessing 3^d p hogs^{hd} upon tob: for defraying the publike Charge of this province read the 2^d & 3^d tymes by Order of the house and passed.

The petition of Cap^t John Dorsey read in the house complayning that he had paid Levys for 5 years together for his Serv^{ts} on a plantation near potapscoe River in the County of An Arundell where the s^d Levys were usually taken, and has also paid their Levy's this year in An Arundel County yet the same
p. 22 Serv^{ts} are returned as taxables in Baltemore County whereupon that Sherrif has Executed the pet^r tob.

Put to the Question since the Levys upon the s^d plantation have have been Original
Journal.
An Arundell County if the Same ought not [still to be] till the County Lynes are run out [Carryed in the Affirma]tive.

Allowed Mr [Peregrine Couey for severall] Services done this house as also [for his paines in preaching] to this house 2000^l tob:

Allowd Mr [George Tubman who attended] upon this house as Chaplain [3000^{lb} tob^o]

Put to the Question [if the] Remonstrance and proposalls agreed upon by this house to be sent unto his Lordp the Lord Proprietary by Col: Henry Darnall or by some other person thereunto imployd by this house

Resolved nemine contradicente that Mr Speaker deliver the Remonstrance and proposalls above mentioned unto Col Henry Darnall to be by him sent to his Lordp:

Col: Henry Darnall appearing in the house Mr Speaker delivered him the Remonstrance and proposalls af^d which the s^d Colonel Darnall assured the house he would take Care to send to his Lordp: also the said Col: Darnall desired the house would send Duplicates of the same for fear of any miscarriage Ordered Mr Speaker issue his Warrant for the Election of one other Burgess in Prince Georges County.

Allowd W Bladen Clarke of this house for Service done (to witt) writing five Duplicates of the last Journalls also Duplicates & transcripts of the Sev^rall Letters & Address's & in Consideration the said Bladen bore his own Charges & Expences whilst busye in the s^d Imploy (5000^l tob. Allowd

Also allowd the said W Bladen five thousand pounds of p. 23
tobaccoe for his Attendance and Service by him done this Sessions and also for the Journall of this Sessions which he is obliged to put into the Secretary's [office. Ordered] Major Hamond & Major Dorsey agree with [some persons to clear the Towne] pasture at the publique Charge.

the [house is adjourned untill] 12 of the Clock.

House met. [absent Mr. Watson, Capt. Bayne] Mr Rob Smith Colonel Herman and [Col. Codd.]

Put to the [question whether Sheriffs] of the Divided Countyes shall be longer [continued] or not, And carryed in the negative.

Resolved that the Sherriffs of the new divided County's shall during the tyme they are to continue in the said Office Viz^t June Court next collect & execute all publique Dues & Officers ffees which are upon Execution in that part of their Bayliwicks which was formerly in the others ex Officio to the

Original Journal. Use of the p^rsent Sherriffs of the said late divided County's unto whome they are to render Acc^t and pay the same.

A Bill for reviving the temporary Laws of this province read the first second & third tymes by Ord^r of the house & passed.

A Bill for the Naturallization of John Edgarr of Somerset County read three tymes by Ord^r of the house & passed.

The a^d Bills together with a Bill for assessing the Additionall Duty of 3^d an hogshead on tob for defraying the publique Charge of this province Sent up to his Ma^{tys} hon^{ble} Councill by Major Thompson Colonel Beale & Major Barton Who Returne & say they have delivered the s^d Bills to the hon^{ble} Councill

Ordered that the Severall Countys pay Col: Jowles Keeper of the great Seale one thousand pounds of tobaccoe a peice for each Body of Laws by him transcribed and sent to the said County & all his ffees for sealing the same according to Act of Assembly

p. 24 John Valliant of Talbott County his petition read And is referred to the Co^mon Law.

Severall Me[mbers of this] house alleadging that Colonel Herman had [agreed to pay Henry] Sewall 50^l for some tymber sold the p[ublique and assigned to the said] Colonel Herman

Ordered Col [Herman pay the said] Sewall therefore

Resolved a [letter be writ to the hon^{ble}] Edward Randolph Esq^r Rich^d Clarke [appears in the house in Cust]ody of the Serj^t at Arms And on his knees begging [pardon of] the House

The said Rich^d Clarke is censured in the Sum^e of one thousand pounds of tob: for reflecting on the Members of this house.

Also ordered that he give security for his good behaviour and appearance at the provinciall Court And to be discharged paying his ffees.

A Bill for laying an Imposition on Negroes Slaves and White Serv^{ts} imported into this province assented to by the house

A Bill empowering the Com^{rs} of Kent County to purchase 3 Acres of Land whereon to build a Court house on.

The hon^{ble} Colonel David Brown & Colonel John Addison came downe from the hon^{ble} Councill to this house with the Bills this Day sent up to that Board and reco^mend that the Reviving Bill be well examined least any slipp or Mistake should happen.

Mr perigrine Couey and Mr George Tubman appear in the

house & returne their thank's to the house for their Gratifica- Original
tions allowd them by this house Journal.

Whereupon Mr Speaker returned them thanks for their
pains in preaching to the house and reading prayers this
Sessions

Allowd to Mr Sam ^l Watkins Cl: of the Com̄ittee	1 tob. p. 25
of Laws	1200

Allowd Mr. Goldsbrough Clark Assistant to the said Com̄ittee	800
-----------------------------------------------------------------	-----

Allowd Mr Henry Wrythesly [Clark] of [the] Com̄ittee of Agrievances	800
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To Mr. John Stanle[y] Clarke to the Committee] of Accompts	1200
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To James Baker [door keeper]	1200
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To John New[ton the Drummer]	1200
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To Cap ^t Willm [Holland Serg ^t at arms at]tending this house	3000
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Allowd Henry [Mathews the ffield Keeper] for } this Year untill October next	1200
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Ordered Cap^t [Holland receive] of Richard Clarke his fyne
of 1000^l tob: and give the Cou[n]ty Credditt therefore out
of his allowance this Sessions as Serj^t at Arms

By his Ex^{cy} the Gov^rnor & Councill &c

May the 12th 1696.

Upon reading and perusall of the request of the house
touching Indians &c Ordered that Colonell Herman be dis-
coursed with about the same and that an Interpreter be
provided (who may be upon his Oath to talke with them, and
that no person be suffered to talke with them besides for fear
of Tricks

His Ex^{cy} is desired to give Orders & Directions therein

Proposed that what Shipps are in the Country & cannot get
ready before the last of June, be permitted to Sayle as got
ready unless the Fleet come in before that tyme, who are then
to Stay for the ffleet.

Assented to by the house.

That the tobaccoe collected for building a Church at Anna-
polis be sold for Bills of Exchange or Good's and some per-
sons impowered to sell the Same.

Assented to by the house.

House adjourned till to morrow morning at 6 of the Clock. p. 26

Original
Journal.

Wednesday May 13th 1696.

House met and upon calling over the following Members were Absent Viz^t [Mr Watson] Major Smalwood Mr. Rob^t Smith Mr Scarborough [Col. Herman and] Col Codd.

The Met[hod and way how to pay the] Clarks of the Vestry & Parish referr[ed to the next Sessions of] Assembly.

Diana Nut[head her petition read] Whereupon this house is will[ing she should have leave] to print if his Ex^{cy} pleases.

The house is [adjourned untill 12] of the Clock.

The house again mett [and the] petition of severall Merch^{ts} relating to the Act for 10^l p Cent on European Goods exported referred from his Ma^{ty}s hon^{ble} Councill to this house being read.

Put to the Question and resolved the said Act was never intended to extend to Virginia.

The following Bills Viz^t

A Bill for Speedy Justice and encouragem^t of Trade.

A Bill appointing the Com^{rs} of the Countys & the Vestrys to returne a Copy of their County Levy & of the Vestrys proceedings yearly to the Gov^r & Councill.

A Bill to prevent people driving away horses in the Woods.

A Bill for Reviving the temporary Laws of this province.

A Bill for Assessing of 3^d per hogshead upon tob: towards the defraying of the publike Charge of this province

A Bill for the Naturallization of John Edgar of Somersett County.

A Bill for laying an Imposition on Negroes Slaves & white Serv^{ts} imported.

A Bill impowering the Com^{rs} of Kent County to purchase three Acres of Land whereon to build a Court house.

And a Bill for laying the publike Levy.

being all assented to by this house were sent up to his Ma^{ty}s hon^{ble} Councill by Major Dorsey & severall other Members of this house.

p. 27 Mr George Layfield his petition read And referred to the Com^{it}tee for laying the publike Levy in Octob. next for allowance thereof.

Mr Robert M[ason, Chairman of the] Com^{it}tee of Accompts presents the [Journall of the said Committee] which is here examined and allowd of.

Mr Edward [Boothby and Major John] Thompson sent to his Ex^{cy} the Gov^r [to acquaint him that this house] is ready to attend his Ex^{cy} where [he shall please to comm]and them.

The house is [adjourned for half an hour]

House again met [Mr Boothby] and Major Thompson returne and say they have delivered their [message] Original Journal.

The hon^{ble} Colonel George Robotham Col. Charls Hutchins & Colonel John Addison came down to the house and bring with them the sev^rall Bills this Day sent up to his Ma^{ty}s hon^{ble} Councill except the Bill for laying the publique Levy of this province which bills af^d are assented to by his Ma^{ty}s hon^{ble} Council.

Ordered that Col. Darnalls Declaration set up at the Door of this house be entred upon the Journall & then again put vp.

Cap^t Hill Mr Tasker Mr Boothby and Mr. Low sent to his Ex^{cy} and the hon^{ble} Councill with the following Report from the Com^{it}tee of Agrievances May the 12th 1696.

It is complayned of to this Com^{it}tee that manifest & great Decay of Trade in Severall parts of this province adjoining to our neighbouring Colonyes doth dayly happen by Shipps leaving this province by reason of the too great Strictness in taking security from Masters of Shipps which is very difficult to procure, and imposing Oathes on them, and unless his Ex^{cy} can abate the severity thereof here or procure the same Strictness in our Neighbour Colonyes, it may prove of ill Consequence to this Province.

This house humbly desire his Ex^{cy} would be pleased to represent the same to the R^t Hon^{ble} the Com^{rs} of the Customs & take such other Measures therein as in his Wisdome he shall thinke fitt.

Mr. John Ollivers petition read. And put to the Question p. 28
if the Pet^{rs} and others under their Circumstances shall not pay Levys, And carryed nemine contradicente in the Affirmative.

Capt. Hill [and the rest of the members] returne and say they have delivered [their message and that] his Ex^{cy} recom^{end} that the Justice[s of the Provinciall Court] and his Ma^{ty}s hon^{ble} Councill may be of the [Committee for laying the pub]lique Levy to be layd before [his Ex^{cy}]

Whereupon [the following Message sent] to his Ex^{cy} the Gov^r & his [Ma^{ty}s hon^{ble} Councill]

By the house [of Burgesses, May] the 13th 1696.

In answer to what [his Ex^{cy} and the] hon^{ble} Board have been pleased to recom^{end} to [this house] to witt that his Ex^{cy} and his Ma^{ty}s hon^{ble} Councill should be joyned to the Com^{it}tee appointed by this house for laying and assessing of the publique Levy. We say that as it is the undoubted Right and priviledge of the Representative Body of this province to con-

Original Journal. sent to the raising of mony upon the Inhabitants so likewise it is to levy the same when raised, therefore humbly pray the hon^{ble} Board would not press a matter so much intrinching upon the ancient Rights & priviledges of his Ma^{ty}s Subjects of this province.

Signd p Ord^r
W Bladen Clk: Assembly.

Sent by Major Dent Mr. Clarke Mr. Pollard & Mr. Hawkins Major Ennalls Major Thompson & Mr Ferry.

Major Dent and Mr Clarke Returne and say they have deliv^d their Message.

The hon^{ble} Colonel George Robotham Col: Charls Hutchins and Colonel John Addison came to this house from his Ex^{cy} the Governor and Councill and acquaint the house that his Ex^{cy} requires their Attendance imediately at the Councill Chamber whereupon the house adjourne for halfe an hour.

And go up to the Councill Chamber to attend his Ex^{cy} the Gov^r and carry with them all the Bills prepared this Sessions (except the Bill for assessing the Publique Levy.

p. 29 Where his Ex^{cy} was pleased to acquaint the house that he could not assent to or pass the Bill for laying & assessing of the publique Levy as proposed, and therefore recomended that the same might be layd by [the severall members] of the house who were Justices of [the Provinciaall Court, Attorneys] &c who would be obliged [to attend the Court so] there would be the less Charge to the County. Also told] them he must be acquainted [with the laying thereof, for] that he would never assent to the [raising of money unless he] was informed to what end and pur[pose].

There[upon Mr Speaker and] the rest of the Members returne to [the house] where being met

The Bill for laying and assessing the publique Levy is read and therein it plainly appears to what use and purpose the tobacco therein mentioned to be levyed is to be applyd Viz^t To the defraying the necessary Charge of this province as hath been formerly used in this province.

And thereupon put to the Question if this house will recede from their former Methodes layd downe in the s^d Bill.

Resolved nemine contradicente not to recede.

And thereupon the following Message sent to his Ex^{cy} the Gov^r and Councill &c by Capt. Hill Mr Clarke Major Smithson Mr Hutchison Major Ennalls and Major Barton.

By the house of Burgesses May the 13th 1696.

This house have perused and considered of the Bill by us proposed for laying and assessing of the publique Levy of

this province, and therein finding that it plainly appears to what use and purpose the tobaccoe therein mentioned to be levyyed is to be applyed (Viz^t) to the Defraying the necessary Charge of this province as hath been formerly used, there-upon resolved nemine contradicente not to recede therefrom.

Signd p Ord^r
W Bladen Cl. Assembly.

Capt Hill & the rest of the Members return and say they have delivered their Message

The house is adjourned untill 6. of the Clock to morrow morning.

Thursday May the 14th 1696.

p. 30

House mett absent Mr Watson Major Smalwood Mr. Willm Helmsley and Colonel S^t Leidger Codd.

Complaint [being made that Allen] Robinet Ferryman appointed for [keeping the publique Ferry over] Severn River refuses to Sett [the Inhabitants of this Province] over the said River. Ord^red the Serg^t at Arms take] the s^d Allen Robin[et into Custody and bring] him imediately before [this house to answer his] contempt therein.

Message from [his Ex^{cy} the Gov^r in Councill] by the hon^{ble} Col: Charls Hutchins [and Col. John Addison] who reco^mend to the house that the sev^rall [addresses] and Letters resolved to be sent for England be got ready to be signed.

Ordered Cap^t Hill Major Dent & Major Smithson prepare them with all convenient Speed.

Moved in the house that whereas George Layfield Esq^r one of the Com^{rs} for Somerset County hath unjustly charged the said County for attending the County Court when at the same tyme he was not in the County.

Ordered that the Sherriff of Somerset County have the said Layfield here before this house upon the next Sessions or meeting.

The house adjourned till two of the Clock

Post Meridiem. The house met present as before

The hon^{ble} Colonel George Robotham Col: Nicholas Greenberry Col. Charls Hutchins and Colonel David Brown came downe from his Ex^{cy} the Gov^rnor and Councill and bring downe divers petitions of severall persons for the Office of Sherriffs within this province, and acquaint the house that whereas The severall Members of this house are most capable of Judging what persons are fittest Execute the said Office of

Original Journal. Sherriffs &c his Ex^{cy} desires the house to recomend such persons

p. 31 Whereupon the house with the Concurrence of the af^d Gentⁿ of his Majestyes honorable Councill Reco^mend Mr Robert Mason to be sherriff of St. Mary's County. Capt. Edward Sweatnam to be sheriff of Kent County

Mr. Willm Holland Sen^r [and Mr. Sam^l] Young if so be they will reside [within the port of Annapolis] Either of them thoug[ht fitt persons for the office] of Sherrif of Anne Arundel County.

Mr George [Lingham to be the Sheriff of] Calvert County. Cap^t John [Bayne to be Sheriff of Charles] County.

Major James [Maxwell to be Sherriff of] Baltemore County.

Mr. Nicholas [if he will reside] within the port of William Stadt [recommended to be] Sherriff of Talbott County.

Complaint being made by a member that in Contempt of the priviledges of this house George Layfield Esq^r had served a Subpoena upon him

Ordered the Serj^t at Arms take the said George Layfield into Custody and have him before this house imediately to answer the said Contempt.

Ordered the Clarke of this house have a ffee of two shillings and Sixpence for every warr^t to the Serj^t at Arms to take any person into Custody not being a member of this house.

Ordered Maj^r Whittington pay the Ballance of his Accompt as publike Treasurer for the Eastern Shoar to Col: Charls Hutchins

Allen Robinet appears in the house and is ordered to keep Severn Ferry untill the provinciall Court be over and the Suitors gone home, for which he shall be allowed by the publike.

A Bill explayning part of an Act of Assembly imposing a Duty of ten per Cent upon all European Goods exported out of this province. Read the first second & third tymes and assented to by the house

The house adjourns for halfe an hour And Mr Speaker & the rest of the Members go up to the Councill Chamber to attend his Ex^{cy} and carry with them the said Explainatory Bill

p. 32 Mr Speaker and the rest of the Members of this house bing Admitted into the Councill Chamber

His Ex^{cy} was [pleased in] his Ma^{ty}s Name to assent to the following [Bills viz^t]

A Bill for [speedy Justice and encouragement] of Trade.

A Bill appoin[ting the Com^{rs} of the Countys] to returne a Copy of their [County levy and the severall] Vestry's a Copy of their proceed[ings yearly to the Governor] and Councill.

A Bill to pre[vent people driving away] horses in the Woods

A Bill for reviving [the temporary Lawes] of this province. Original

A Bill for assessing 3^d p hogshead upon tobaccoe towards Journal.
the Defraying of the publique Charge of this province.

A Bill for the naturallization of John Edgar of Somerset County.

A Bill for laying an Imposition on Negroes Slaves & White Serv^{ts} imported.

A Bill impowering the Com^{rs} of Kent County to purchase three Acres of Land whereon to build a Court house.

And a Bill explayning part of an Act of Assembly imposing a Duty of ten per Cent. upon all European goods exported.

All which said Bills being thus passed into Acts of Assembly were Sealed with the Broad Seale of this province.

After which the publique Treasurers having given Bonds for the faithfull Execution of their Offices.

And the Severall Navall Officers having rendered their Acc^{ts} and sworne thereunto

His Ex^{cy} acquainted the house that whereas he had not as yet received his Ma^{ty}s Royall Com^{ands} he did not know how soon after the Arrivall of the Fleet there might be occasion of their meeting together therefore prorogued the house untill the first day of July ensuing, at which tyme if there were no p. 33
Occasion of their meeting he would take Care to give them tymely Notice.

Thereupon Mr Speaker and the rest of the Members returned to [the house when Mr. Speaker] having taken the Chair [prorogued themselves untill] the first day of July next ensuing

So ended [the fifth Sessions of] Assembly thursday the 14th [of May Anno Domi] 1696 And in the Eight Y[eare of the reigne of our] Soveraign Lord William the Third, by the Grace of God of England Scotland France [and Ireland, King] and King Defend^r of the Faith &c.

W Bladen Cl: Assembly.

[Address to the King.]

P. 34

To the Kings most Ex^{ll} Ma^{ty} &c.

The humble and Loyall Address of Yo^r Ma^{ty}s Gov^r & Council and Burgesses and Delegates
for Y^r Ma^{ty}s province of

Most Dread Sov^a
We
understanding

and loyall Subj^t
frequently exposed

Original
Journal.

your own Royall
by Land to

Dominions and pre

happiness, Do with unfeyned Joy congratulate your Ma^{tys}
Deliverance from Yo^r Enimys and Safe Returne from Flanders
to your Kingdom of England after so many Fatigues and
Toyls of Warr undertaken on our behalfe We rejoyce in your
Ma^{tys} good Success and in these remote parts participating of
the Advantages thereof (do next to Almighty God) ascribe
our Own & our Fellow Subjects Safety to your Ma^{tys} Cour-
ageous & prudent Conduct, humbly beseeching Almighty God
to continue the protection to your Ma^{ty} to prosper your Arms
preserve your Victorious person, and make you not only a
Blessing to y^r own Subjects but to all Europe by reducing
your Enemy's to a lasting hon^{ble} peace.

Kenelm Cheseldyn Speak:

Tho^s Waughop Tho^s Smith

Rob^t Mason John Hamond

Philip Clarke Edw^d Dorsey

Joⁿ Bayne James Saunders

John Hynson Rich^d Hill

Hans Hanson Thomas Tasker

W^m Frisby Francis Hutchins

} ffr. Nicholson

} Hen Jowles Chan

} George Robotham

} Nich Greenberry

} Charl Hutchins

} David Browne

} John Addison

} Tho^s Brooke.

William Hutchison

Lib. L. L. 2
p. 107

Att an Assembly held att the Town and Porte of Annapolis
the Thirtieth day of Aprill in the Eighth year of the Reigne of
our Sovereigne Lord King William the third of England,
Scotland ffrance and Ireland Defender of the ffaith &c Annoq
Domini 1696 Were Enacted (Viz^t)

An Act Impowering the Commission^{rs} of the County of Kent
to purchase three Acres of Land whereon to build a Court
house

Whereas by the Late Division of the County of Kent there
is absolute Occasion for the ease and Conveniency of the
Inhabitants thereof that the said County Court should be
houlden att some other place, in the said County then att the
p^rsent Court house, and forasmuch as no place is allotted or
provided whereon to build a new Court house for the said
County Be itt Enacted by the Kings most Excellent Maty by
and with the Advice and Consent of this present Generall
Assembly and the Authority of the same That the Commis-
sioners or Justices of the peace of the said County shall be and
are hereby made & Incorporated into a body politique with
sufficient power thereby given them whereby to Enable them
to Treat with buy purchase take hold and Enjoy for ever to

the use of the said County three Acres of Land in any part of the said County att their Election whereon to build a Court house as aforesaid as they can agree with the Owners thereof And in as much as the ffee of such Land by them Chosen to build a Court house on may be in person non Compos Mentis, non Sane memorie, Infants feme Coverts beyond the Seas or otherwise disabled by Law to Alienate or grant the same or perhappes persons altho not any ways disabled as aforesaid yett unwilling & obstinately refuseing to sell the same to the use aforesaid Be it Enacted by the Authority Advice and Consent aforesaid That in all or any such Cases the Comissioners shall take unto them the Surveyor of the said County and also Call unto them the Sherriffe of the said County who is hereby Impowered to Sumons a Jury of Twelve freeholders of the Vicinage of the s^d Land so as aforesaid by them Chosen to the intent afores^d who upon their Oaths shall lay out and Value the said Land haveing regard that the same be as little prejudicial to the Owners thereof as may be after which laying out and Valueing of the said three Acres of Land as aforesaid the said Comissioners are hereby Impowered to Assess so much Tobacco upon the Inhabitants of their said County whereby to pay the Consideration or purchase money to the Owners or other persons by them appointed to receive the same by Virtue of which purchaseing Valueing laying out of the said three Acres of Land and paying for the same as aforesaid they shall have and Enjoy a good sure and indefeazable Estate in ffee simple in the said three Acres of Land as aforesaid to the use and behoof of the s^d County as aforesaid any Law Statute usage or Custom to the Contrary notwithstanding

Lib. L. L. 2
p. 108

p. 109

An Act for Speedy Justice and Encouragement of Trade

Be it Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this Generall Assembly and the Authority of the same That from and after the Publication hereof if any person or persons whatsoever be owing to any person or persons residing withing or Trading into this Province any sum or Sums of Tobbaco or money being above the sune of two hundred pounds of Tobbaco or twelve shillings and not above the sune of Tenn Thousand pounds of Tobbaco or fifty pounds Sterling being due by Bill Bond note Book or Accompt or by any publick or County Allowance or any Officers ffees where Execution is not given by Law for the same and the party Creditor is Desireous of a Speedy recovery of the same he shall and may by Virtue of this Law recover the same in maner and forme following That is to say when

Lib. L. L. 2 the party plaintiffe sues out his Writt against the defendant he shall deliver therewith a true Copy of his declaration against the defendant to the Sherriffe with the writt and if the sherriffe Can Serve the said Writt eight days before the day of the returne thereof and att the same time of Serving the same shall Deliver the Defendant a Copy of the Declaration the
 p. 110 s^d Def^t shall and is hereby bound and obliged to come to a Tryall with the Plaintiffe upon the Cause att the returne of the said Writt without any Imparleance or refference whatsoever and it shall and may be Lawfull to the Justices of the Sev^rall County Courts before whom such matters shall be brought to award Judgement against such defendant upon his refusall or neglect to plead or answer Except in some very Extraordinary Cases or Accidents att the discretion of the Justices And for the Ascerteing the Allowances of the publick Leavy of this Province and what each person has therein and for recovery of the same the Sherriffe of the County shall att the next County Court after the publick Leavy or Allowances Come to his hands deliver a Copy thereof to the Clerk of the County Court Signed by him as a true Copy under the penalty of Two Thousand pounds of Tobacco for every time such Sherriffe shall faile therein to the use of the Vestry of the parish where the Sheriffe dwells and the Clarke shall make a true Copy thereof attested by him and sett up att the Court house That all persons haveing any Allowance therein may take knowledge thereof and the other part shall Record under the penalty of Two Thousand pounds of Tobacco to the use aforesaid which fines & forfeitures shall and may be recovered in any County Court by the Vestry as aforesaid by Action of Debt Bill plaint or information wherein no Essoyne protection or wager of Law shall be allowed.

p. 111 An Act for the Naturalization of John Edgar of Sommersett County

Be it Enacted by the Kings most Excellent Māty by and with the Advice and Consent of this present Generall Assembly and the Authority of the same That John Edgar of Sommersett County Gentleman be by this present Act naturalized and intituled to enjoy all Rights and Priviledges whatsoever within this Province as any Naturall borne subject within this Province might could or ought to do and shall be Capable to sue or be sued to defend or be defended and that he and his heires shall and may Enjoy any Lands Tenements Rents or Hereditaments whatsoever to which he shall or may any wise be entituled unto as if he was or had been a Naturall borne Subject of this Province any Law usage or Custom to the Contrary in any wise notwithstanding

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

*At a Session held at Annapolis,
July 1-July 10, 1696.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

FRANCIS NICHOLSON,
Governor.

THE UPPER HOUSE.

At a Council in a General Assembly by Prorogation met and held at the Port of Annapolis the first day of July in the eighth year of the reign of our Sovereign Lord King William the third &c Annoq Domini 1696 being the sixth Sessions and their continued until the 10th day of the said month Present

U. H. J.
p. 889

His Excellency Francis Nicholson Esq^r Captain General the honble Col^o George Robotham Col^o Nicholas Greenberry

The Clerk of this Board is ordered to go down to see if the House of Burgesses were met pursuant to the above Prorogation and to acquaint them that his Excellency requires their attendance here presently

He returns and says that the House are met & are coming up.

Came accordingly M^r Speaker Attended with the several members of the House to whom his Excellency signifies that suddenly after their last breaking up he received a Letter from the right honble the Lords of his Majestys honble privy Council giving an Account of the late Conspiracy together with several other Papers relating thereto the which his Excellency was pleased to deliver to M^r Speaker recommending that the House would address his Sacred Majesty thereon and to enter into an Association according to the Example of England as they could find among the Printed Papers now delivered and that they would make it the first Business they entered upon by reason the said Address might be sent now by the Fleet telling them that he thought it more proper that the General Assembly should be first in doing the same and be a President to the several Counties &c and not to follow after them therefore appointed their meeting now being withall pleased to signify that he had already in behalf of the Country acquainted the right honble the Lords &c by Letter that he did not question but that the Assembly at their meeting would do the same.

In the next place his Excellency was pleased to deliver to M^r Speaker his Majestys Royal Letter relating to New York Affair recommending likewise their address of thanks to be returned to his most Sacred Majesty for being graciously pleased to Order the quota &c to be taken of at Present

At the same time was delivered several other letters for the Perusall of the House viz^t

U. H. J. A Letter from Esq^r Neal relating to Coins
 A Letter from M^r Perry relating to Trade
 Two Letters from Esq^r Randolph relating to the Affairs of
 his Majestys Customs &c

The last Letter by his Excellency received from the Government of New York and a Letter from Col^o Harman concerning Indians

His Excellency is also pleased to tell them that he had received a Letter from the Honourable Sir Thomas Lawrence Baronet Secretary but being so intermixt with private Business did therefore read to them what Clauses therein concerned the Affairs of the Country

Lastly his Excellency does acquaint them that he had sent home Copies of that paper of Grievances last Assembly preferred relating to masters of Ships &c wherein the House
 p. 890 requested that such severity in demanding securities and swearing them might be taken of or moderated &c and that he had Given them these Papers to night that they might not be hindered from Proceeding to Business early in the morning and thereupon M^r Speaker together with the rest of the members took leave and returned to the House

July the 2^d 1696

The Council Again sate and were present as yesterday with the Addition of Col^o Brown and Esq^r Frisby

Ordered that the following Proposals be drawn forth and laid before the House viz^t

Which was accordingly done and came answer in manner following

1 That all the Indians lands be adjusted and the Bounds ascertained Referred to the Consideration of the next Assembly for a Law to be made for ascertaining thereof

2 That all Masters of Ships for the future coming in give an Account to the Collectors and Navall Officers (upon Oath) what Letters they bring in with them as also of what Goods are Consigned to any persons. Assented to by the House

3 To know what is to be done with the Ships left behind in the Country. For his Majestys Service to be permitted to sail as gott ready

4 To know whether the Proclamation against Exportation of Corn shall be taken off it being likely to be a good Year for Crops of Corn the house desire it may be continued

5 What to be done with the two Indians and Woman now in prison. Message sent up to his Excellency

6 That the House would permitt Col^o Beal to go home and take all necessary Care about the Indians as he sees occasion assented to by the House

7 Recommended that Col^o Beal be allowed for the two U. H. J. Indians at two several times brought up to Annapolis Ordered to be allowed therefore

8 That all persons having any places of General employ within the Province do reside in Town. The House are of Opinion that such Restriction will be a means to hinder persons Capable of such Offices from accepting thereof

9 Proposed that two men be added to the Rangers in Potomack till the fall and two to the Party in Baltimore County. Resolved by the House of Burgesses that two men be added to each party of Rangers who are to continue Ranging until the fall and be paid in like manner as the Rangers already appointed.

Signed by Order W Bladen Clk Assembly

Assented to by his Excellency and Council

Hen Denton Clk Council.

Col^o Addison and Captain Masons Letters are herewith likewise sent for Perusall of the House Brought from the House of Burgesses by M^r Jenkins M^r Scarborough and M^r Ferry the following message viz^t

By the House of Burgesses July 2^d 1696.

This House humbly Represent to your Excellency that there are at this time in Custody of the Sheriff of Ann Arundel County one white Woman Servant and two Indians for murther or suspection of murther therefore we humbly Supplicate your Excellency that you would be favourably pleased to take such measures therein as your Excellency shall think fit to Exonerate the Country from such Charge as may arise by long detaining them in Custody

Signed p Order W Bladen Clk Assembly

Ordered that the House of Burgesses and Lawyers be Consulted therein to know whether the said Indians can be tryed by our English Laws under the Circumstances they now lye under

July the 3^d 1696.

The House of Burgesses are made acquainted that his Excellency is minded to Confer with them about some matters p. 89¹ relating to the Indians now come to Town and the two Indian prisoners, did therefore advise that he would come

U. H. J. down with his Majesty honble Council to the Court House where he required the House to attend him thinking that the fittest place for Reception.

At which place his Excellency and Council together with the House of Burgesses being accordingly met it was resolved upon that all the Indians now come to Town should be sent for several heads of discourse being agreed upon what was to be Offered unto them.

They are sent for and accordingly come and the whole discourse being fully ended it was Ordered that Copies of the same should be writt out & one thereof delivered to the Emperor another to Col^o Addison & another to Major Smallwood the which follows in these words viz^t

Port of Annapolis } An Account of Proposals made to the
in Maryland ss^t } Emperor of Piscattoway and his Great
men the King of Choptico and his Great men and the King
of Pomunky and their Great men through the advice and in
the Presence of his Majestys honble Council and House of
Burgesses the third day of July Anno 1696.

The aforesaid Indians being all present a certain Indian called King Calvert King of Choptico and an Indian called Mountogue who understanding English were appointed Interpreters &c

1 His Excellency is pleased to Acquaint by the said Interpreters the Pomunky and Choptico Indians that they are required during this time of War to go under the Emperor of Piscattoway and live together for which his Excellency intended to give the said Emperor a Commission

The Indians make answer and say they are very willing and do Agree to the same but cannot come under the Emperor immediately by reason they have now planted their corn therefore it is Ordered that they go at the fall

2 They are told that if they dont like this Proposall at the end of the War if they but come and Acquaint his Excellency therewith they shall be restored Again as they were.

3 They are advised to live Lovingly and friendly together and not quarrel and fight all which they say they will Observe

4 They are told not to go beyond the Garrison during this time of Warr without taking a Pass from the Governor of the Fort. Agreed to by the Indians

5 They are told the Garrison will be maintained though his Excellency raise 500 men and come and live there himself

6 They are told to hold no correspondence with any Foreign Indians without they give notice to some of the

Magistrates thereabouts that can speak Indian and they are to discover who they are agreed to by the said Indians U. H. J.

7 It is signified to them that those Indians living upon the Branches of Potomack have been sent to and that unless they come down they will be deemed as Enemies and dealt with accordingly

8 They are forewarned from ever entertaining or harbouring the Anacostin King but that they endeavour to apprehend and take him for which they shall be rewarded if they take him. The Indians ask how many matchcoats they shall have for taking of him who are answered twenty

9 They are asked that upon Proviso the Young Indian now in Prison were Released whether they would be his security who do say they will they being well satisfied that he is an honest man and had no hand in the murther. But as for the Old Indian they can say no Good of him p. 892

10 They are told that his Excellency understands they have had some disputes with the English about the Bounds of their land proposed to them that if they would sell any of their Lands to the English his Excellency would give his Leave and Consent thereto. The Emperor Agrees thereto and is willing his Excellency telling him and the rest that what Land they do sell if they do but go to Col^o Addison Col^o Courts Major Smallwood or M^r Barton they will see that they shall have right done them for Satisfaction for the same

11 They are told that all the matters and proposalls that have been made to them now is the sence of the whole Country for that there are Gentlemen from all Parts of the Country here besides the Gentlemen of his Majestys honourable Council

12 The Young Indian Prisoner is brought and the Emperor and his Great men are told that in regard they have assured that he is an honest man and are now become his Security for his good behaviour and that they have promised to Apprehend the Anacostin King they do therefore release him and he was accordingly released

The Case about the Legality of trying the other Indian by our English Laws being put and debated the House are unanimously of Opinion that the said Indian ought to be tried by our English Laws: so the Conference broke up several Attorneys of the Provincial Court and other Gentlemen professing the Law being sent for up to the Council Board to Consult and Advise concerning the trial of the said Indian and English woman now in Custody &c how they shall be tried and accordingly appeared M^r Cheseldyn M^r Smith M^r

U. H. J. Gouldesborough and M^r Clark M^r Attorney and M^r Solicitor General being not yet come to Town.

They are acquainted that their Advice is required in a Case concerning an Indian and English Woman now in Custody upon Suspition of murther what proper methods were best to be taken for trying the said Persons who (after some debate thereupon had) do say that the most proper best method will be for a Special Commission of Oyer and Terminer to issue for the said end and purpose to terminate by a Certain prefixed day and that summons issue for a Grand and Petty Jury to be called &c according to the usual Custom and practice of the Provincial Court Ordered thereupon as it is hereby Ordered that Special Commission issue out of the Secretarys Office for trial of the said Indian and English Woman Constituting and Appointing the said Gentlemen (that are now in the Commission of the Provincial court to be Justices and Commissioners for the said end and purpose and that the Clerk of the provincial Court be also therein constituted Clerk for the said special court and that the said Court by virtue of the said commission do meet and sit at the Port of Annapolis on Monday next by nine of the Clock in the morning and terminate the Wednesday after at the farthest and that the Venire for the Grand and Petty Jury do immediately issue out of the Provincial Office for their appearing &c on the said monday at the time and Place prefixed that the Court may then proceed to trial

Saturday July the 4th 1696 The Council again sate & were Present as before

Proposed that an Ordinance pass for to Oblige the Justices of the several County courts to sit in court twelve Hours in Summer and Eight in Winter every day otherwise to be paid Accordingly and that the Clerk keep an Exact Account of their complying therewith and of what Justices are present or Absent and that they dont adjourn unless upon extraordinary Occasion

p. 893 The said Proposall came answered as follows viz^t

By the House of Burgesses July 3^d 1696

This House are of Opinion that the Commissioners of the several County Courts are by their oaths sufficiently obliged to do their duties and dispatch Business without such restrictions especially considering the said commissioners have power to fine their Brethren omitting their duties

Signed p Order W Bladen Clk Assembly

The which being read his Excellency was pleased to say that U. H. J.
He hoped the said Commissioners would for his Majestys
Service and their own Credit duly Observe to Comply with
the said proposall and does Order by advice in Council as it is
hereby ordered that the Clerks of the said Countys Courts
keep an Exact Account of the said Justices sitting from time
to time to be returned unto his Excellency at the Port of
Annapolis together with Copy of the County Leavies therein
expressing the reason of every particular Article Allowed

Signed p Order Hen Denton Clk Council.

Read the following Resolve sent from the House viz^t

Die Veneris 3^d die July 1696

Resolved by the House that Major Thomas Smithson publick Treasurer of the Eastern Shore pay unto Col^o Charles Hutchins fifteen Pounds Sterling in part of what is due to him from this Country for Provision &c & take his Receipt for the same

W Bladen Clk Assembly

Assented to by his Excellency and Council

Hen Denton Clk Council

Brought by Captain Hill and five other members of the House the following Bill viz^t An Act for the Service of Almighty God and for the Establishment of the Protestant Religion within this province The which was read several remarks made thereon and was set aside to be further considered and read to morrow

Brought from the House of Burgesses by M^r Smith and three other members an address drawn up to his Sacred Majesty congratulating the wonderful deliverance and preservation of his Royal Person from the late Conspiracy and Intended Assassination.

The same was well Approved of and signed by his Excellency and his Majestys honourable Council & afterwards returned to be signed by the several members of the House

Read a Petition of the honourable Col^o Henry Jowles Chancellor relating to his fees for Sealing Coroners Commissions Ordered that the same be referred to the House of Burgesses for their allowance

U. H. J. Monday July the 6th 1696 The Council Again Sate and were Present as before.

Read the following Bills presented from the House viz^t

A Supplementary Act to the Act for Raising a Supply for defraying the publick Charge of this province read first time and Passed without Alteration

An Act for Assessing and setling the Clerk of the Councils fees within this Province will pass with Amendment

An Act for Sanctifying and Keeping Holy the Lords day commonly called Sunday will pass with Amendment

Brought from the House of Burgesses by M^r Crawford and M^r Frisby the following Letters and Bills Viz^t

A Letter to his Grace the Arch Bishop of Canterbury read and well Approved of

p. 894 A Letter to the right Honourable the Lords of his Majestys most honourable Privy Council read and well Approved of

A Letter to the right Honourable and right Reverend the Lord Bishop of London read and well Approved of

A Letter to his Excellency the Governor of New York read and approved of which said Several Letters were signed by the Honourable Col^o Henry Jowles Chancellor on behalf of his Majestys Honourable Council and Kenelm Cheseldyn Esq^r on behalf of the House of Burgesses

An Address to his most Excellent Majesty Concerning Free Schools in this province read first time and passed

An Act for reviving the temporary Laws of this province read and will pass if upon Examination of the former Acts the same be right and the same being Examined do find the Act for speedy Justice and Encouragement of Trade a Perpetual Law therefore to be Remarked

Drawn up by Order the following Proposall which was sent to the House of Burgesses viz^t

By his Excellency the Governor and Council &c July the 6th 1696.

Proposed that the House send some further Supply towards the Assistance of his Maj^{stys} Government of New York pursuant to the Governor of New Yorks last Letter now lying before the House for their Consideration his Excellency being willing to lend the Country money upon that occasion if wanting

Signed p Order Henry Denton Clk Concil.

The said Proposall came answered thus viz^t

U. H. J.

By the House of Burgesses July 4th 1696

This House humbly thank his Excellency for his Generous Offer but considering how much they are already Engaged to his Excellency for money already by him advanced upon that Acco^t and how uncapable they are at present to reinburse him and conceiving themselves to have sufficiently advanced towards the Assistance of New York especially having paid to that Government 130^l odd pounds more then what his Sacred Majesty had been Graciously Pleased to declare should be in lieu of the Quota from this province do not think themselves obliged any way to Contribute thereto until his Majestys Royal Pleasure shall be declared therein which this Province with all Obedience will wait for

Signed p Order W Bladen Clk Assembly

Proposed to the House that an Address be drawn up to his Majesty about New York and a Letter writt to M^r Blathwayt and M^r Povey and if they think fitt to employ either of the said Gentlemen to sollicit their Affairs his Excellency will Lend the Country Money to do the same if wanting

Read again the following Bill viz^t An Act for the service of Almighty God and the Establishment of the Protestant Religion within this province and being taken into Mature Consideration proposed that the Remarks thereon made being amended and if they will say therein according to the Ecclesiastical Fundamental Laws of England instead of Fundamental Laws it will pass

The said Bill with the others were returned to the House in Order to be Fair Engrossed

The following Message being by Order drawn up was sent to the House Viz^t

By his Excellency the Governor and Council &c July the 6th 1696.

His Excellency having received Information upon a Complaint made by one M^r Lumley how that M^r John LLeuellin had charged him the said Lumley as one of the Conspirators employed about the Intended Assassination against his Majestys Sacred Person such discourses and Reports being held by this Board as matter of Dangerous Consequence to the Government therefore proposed whether it be needful as Circumstances of Affairs now stand that upon the said Report all the Roman Catholicks in the province be secured and disarmed and whether the same will be to his Majestys service and quiet of the Country.

Signed p Order Hen Denton Clk Council

U. H. J. The said message came back underwritten thus viz^t

This House thinks there is no Occasion thereof for that this
Province is God be thanked very peaceable and quiet
P^r Order W Bladen Clk Assembly

Tuesday July the 7th 1696 The Council again sate and
were Present

His Excellency Francis Nicholson Esq^r Captain General &c.

the honble { Col^o George Robotham Col^o Charles Hutchins }
 { Col^o Nich Greenberry Col^o David Browne }
 { Thomas Brooke Esq^r }

Brought from the House of Burgesses by M^r Clark Major
Hammond M^r Frisby and M^r Crawford the following Message
viz^t

By the House of Burgesses July the 7th 1696

We have with the utmost diligence and Care Considered
of the Bill lying before us relating to the Establishing the
Protestant Religion in this Province which we have proposed
to pass as it is already penned but in regard your Excellency
approves not the same without some Alteration and this
House cannot at present Recede from their former Resolves
therein and it appearing to us a matter of Great moment as
can come under our Consideration we desire that the further
proceeding as to the accomplishing the same may at present
be referred till another Assembly that thereby we may sever-
ally and separately consider the same

Signed p Order W Bladen Clk Assembly.

His Excellency is pleased to acquaint the Board there being
a thing of two different natures contained in the said Bill his
Majesty will in no wise consent to the Passing thereof and
that besides it is the Opinion of his Majestys Attorney Gen-
eral and other Learned Lawyers in England that those words
of the People enjoying their rights &c according to the funda-
mental Laws of England (as the Law is now Penned) would
occasion them to carry all their causes to Westminster Hall
therefore considered that in case the House persist in their
Resolutions therein) whether it will not tend to his Majestys
Service that they be dissolved yet however that they be Pro-
rogued for one day for a further Trial first which was thought
convenient after they had dispatched all other matters now
lying before them

Came from the House of Burgesses Col^o Pearce and Major ^{U. H. J.} Ennalls who signify that they are sent to acquaint his Excellency that if his Excellency & Council have any thing to Offer to the House they are ready to receive it otherwise the House are upon adjourning who are told that there is nothing at Present

Wednesday the 8th 1696 The Council Again Sate and were Present

His Excellency Francis Nicholson Esq^r Captain General &c.

the honble { Col^o George Robotham Col^o David Brown Col^o
Nich Greenberry Col^o Charles Hutchins
Thomas Brooke Esq^r }

Read the following Resolves viz^t By the House of Burgesses July the 8th 1696.

His Excellency's Proposall relating to the advancement of this Port Ordered to be drawn into an Ordinance of this Assembly and an Act to be drawn therefore upon the meeting of the next Sessions

Upon the Petition of several the Inhabitants of Dorchester county voted and Resolved the Act against Striking Fish in Dorchester and Somerset County be Repealed

Signed p Order W Bladen Clk Assembly

Brought from the House of Burgesses by Col^o Codd Cap- ^{p. 896}
tain Tasker & M^r Clark the following message viz^t

To his Excellency the Governor in Council &c.

By the House of Burgesses July the 8th 1696.

We did yesterday by our written message address ourselves to your Excellency in Council concerning a Bill Lying before us touching which we desired further time to consider to which your Excellency has not yet been pleased to Give us answer we humbly pray your Excellency to be assured that what we have done or desired proceeds from honest Hearts and earnest desires as well to the Service of Almighty God and his Majestys as to our own rights and Liberties and therefore your Excellency will so understand us & give an Answer to our former Message

Signed p Order W Bladen Clk Assembly

U. H. J. An Answer thereto was drawn up as follows viz^t

By his Excellency the Governor and Council &c July the 8th 1696.

The message last night by M^r Clark Major Hammond &c. was received as also that by Col^o Codd Captain Tasker and M^r Clark this morning sent wherein the House prays some further time to consider of a certain Bill therein mentioned this Board do therefore Recommend that they dispatch the other Business now lying before them and Bring up the severall Bills engrossed that some speedy end may be put to this present Sessions

Signed p Order Hen Denton Clk Council.

The said Message was sent by the honble Col^o Robotham Col^o Greenberry Col^o Hutchins & M^r Brooks who return and say they delivered the same. Came from the House of Burgesses M^r Crawford and M^r Frisby who acquainted his Excellency that the House is ready to come up and desire to know whether they may have admittance who are told they may

Came accordingly M^r Speaker attended with the whole House who present to his Excellency an Address of thanks Drawn up to his Sacred Majesty for being Graciously pleased to take of the Quota of men commanded from this province towards the Assistance of New York &c the which was signed to by his Majestys honble Council and House of Burgesses. Afterwards Presented the following Bills for his Excellencys Passing which were severally perused and Assented to by his Majestys honourable Council the Amendments proposed being therein agreed to be altered the Titles whereof are as follows viz^t

An Act for Sanctifying and Keeping Holy the Lords day commonly called Sunday

A Supplementary Act to the Act for raising a Supply for defraying the Publick Charge of this pro^{vs}

An Act prohibiting all manner of prophane Swearing and cursing

An Act for Assessing and settling the Clerk of the Councils fees within this province

An Act reviving the Temporary Laws of this provin^{ce}

An Act for Repealing a Certain Law against Striking of Fish in Somerset & Dorchester County

An Act for Assessing the Publick Leavy of this Province

An Address to his most Sacred Majesty Concerning Free Schools in this Province the which were Passed under the Broad Seal of the Province in Presence of the whole Assembly

his Excellency signifying his Assent thereto by signing them U. H. J. with this Indorsement viz^t

July the 8th 1696

On the behalf of his Majesty King William the third I will these to be Laws

Francis Nicholson

Afterwards his Excellency was pleased to tell them that the Bill here presented Relating to Religion had been considered and that he is sorry to find them so stiff in a matter of that nature which as it is now drawn his Majesty will not Assent to for that His Majesty has declared he will not Assent to any Law that contains things of different nature in it as this does wherein they joyn Ecclesiastical & temporal matters together being pleased also to signify that he hopes they dont question his Majestys hindering or debarring them of any priviledges due to them as Englishmen who came over to preserve and is now actually engaged for the defence of their Liberties and that if they question himself they are Obliged to declare it and to draw up a Law by it self which might explain the rights and priviledges they require for that if such a Law should pass as they have now drawn it wherein they claim their priviledges according to the fundamental Laws of England they must go with their Causes to Westminster Hall according to the Opinion of the Kings Attorney General and other Learned Lawyers in England which they would do well to Consider and whether the course they are now taking would not instead of Gaining the People a Liberty enslave them the more therefore his Excellency yet hoped that they would consider these things and not make good the old English proverb upon themselves viz^t of being Like the Cow that gives a good Pale of milk and kicks it down with her Foot for that it is Confessed this Assembly has been instrumental in making many good Laws which is hoped will tend to the Glory of God the Kings Honour and the good and Welfare of the Country but by Leaving Religion at this rate unsettled undoes all again therefore was pleased to prorogue them till the ninth Instant the which stands accordingly prorogued. p. 897

At a Council in a General Assembly According to Prorogation mett & held the ninth day of July in the eighth year of the reign of our Lord King William the third &c Annoq Domini 1696 Present

U. H. J. His Excellency Francis Nicholson Esq^r Captain General &c

The honble Col^o George Robotham Col^o David Brown Col^o Nich^o Greenberry Thomas Brook Esq^r Col^o Charles Hutchins James Frisby Esq^r

Came from the House of Burgesses Major Thompson M^r Hemsley who signifying that the House is met according to his Excellencys Prorogation and were sent to know if his Excellency had any thing to impart to the House

They are told if the House will come up this Board are ready & will acquaint them

Came Accordingly M^r Speaker Attended with the whole House his Excellency was pleased to tell them that he had taken this method of Proroguing the Assembly for so short time that he might put the Country to as little Charge as Possible and that the Bill which they had before them relating to Religion he does acquaint them as the same is now Penned the King will not pass his Assent thereto it consisting of a thing of different natures and that the King has declared he will not pass any Laws where there are matters of different natures contained and does therefore Recommend that they would take Again into their consideration the said Bill hoping they dont question either his Majesty or himself will ever break in upon their Liberties and if they know of any such thing they would do well to declare it and that if they would draw up a Bill and therein sett forth their Liberties or what else they require touching that matter he would Assent to the same and use his utmost interest to get his Majestys Royal Assent thereto likewise

His Excellency is further pleased to tell them that as they have already been instrumental in making many good Laws they would not by neglecting this main point of settling Religion among them undo all again without which the other matters could not well Subsist therefore yet hoped that as God Almighty moved the hearts of the Children of Israel to call back David to be their King so he hoped their Hearts will be opened to consider of Drawing up this Bill in that nature as it may obtain his Majestys Royal Assent which will tend to the Glory of God the Honour of the King and good of themselves and Posterity praying God Almighty may direct them herein.

p. 898 Brought from the House of Burgesses by Major Dent and Eleven other members of the House the following message viz^t

The Messengers desire to know whether they may wait for an Answer who are told that an answer shall be given them presently and so they withdrew

By the House of Burgesses July the 9th 1696

U. H. J.

We have with our utmost care and scrutiny considered the Clause in the Law for Religion and as we are earnestly desirous to Propagate the same out of the sence of our Duty to God Loyalty to his most sacred Majesty and imitation of his Excellencys most noble and worthy Example so we Conceive we ought not altogether to be unmindful of the rights and Liberties of our selves and those we represent

We are earnestly desirous rightly to understand his Excellency and to be rightly understood by him and therefore have endeavoured to find out an Accommodation of words that may answer all intents by putting in the words Laws and Statutes of England instead of the words Fundamental Laws of England.

We are not in the least doubtful of our Liberties or rights being infringed by our Gracious Sovereign or our noble and worthy Governor and do Sincerely acknowledge that his Excellency Governs by the fairest measures and freest Administration of the Laws that we are Capable of understanding and therefore have not any Apprehension of his invading our rights and Priviledges. We firmly believe ourselves and those we Represent to be within the benefit of all Liberties and Priviledges of English free born Subjects being Granted to this Province by his Majestys Royal Predecessor Charles the first King of England and Generally used in the Government of this Province

We believe our Sacred Sovereign exposed his Royal Person to hazard for Preservation and maintainance of the rights and Liberties of those dominions to which we belong and therein has been perpetually protected by an immediate Finger of God against all the Attempts of his Enemies to the contrary

And therefore as it has been always usual for Parliaments under Gracious Good Kings to have reiterated and Confirmed to them their Antient Rights and Liberties both in Church and State which we find by experience they have frequently prayed for and Obtained we cannot distrust but his Majesty will Graciously confirm the same to us at our humble motion and therefore we humbly offer these reasons why that Clause may be continued in the Law

I We find that King Henry in his Grant of the Great Charter annexed the Priviledges and Liberties of the Church and State together by comprizing them in one Grant tho in several Paragraphs or Chapters therefore we hope his Sacred majesty will Accept of our imitation thereof and cannot but believe us to be unmindful of ourselves if omitted by us.

U. H. J. 2 We find the same again Joyned in one Charter to the Lord Baltimore for the seating this province viz^t the Propagation of the Church and the Liberty of the Subject declared in the same Charter

3 We find that when his Majesty was pleased to take the Government of this Province into his Hands the first Law that was made here was declaratory of the rights and Liberties of the Church and the Subject also contained in one and the same act

And if we after all these and many more Examples of the like nature which in this Juncture have not time to Collect we should as we Earnestly endeavour to propagate & maintain our duty to God and the King and forget those as we represent we must believe we are wanting to ourselves since they have not in any thing we have seen been yet Separated we humbly desire they may be Joyned and not omitted in this and therefore we humbly desire that these our Reasons may be taken into Consideration and we pray to God to bless us and our Posterity as our consciences witness our Integrity in this matter

Signed p Order W Bladen Clk Assembly

p. 899 The said message being read as also the Clause in the Bill relating thereto his Excellency is pleased to start the question what is meant by those words according to the Statute Laws for that they are of a Large Extent therefore will want Explanation and it being debated for some time the messengers are sent for in who accordingly came

They are asked what is meant by those words (according to the Statutes of England) to which M^r Dent answered that he has no commission from the House to say any thing in that matter but (according to his own private sence) does say that he takes this to be the meaning viz^t that where the Laws of this province are silent Justice shall be administered according to the Laws of England pursuant to an Act of Assembly of this Province

His Excellency is pleased to signify to them that the Parliament of Ireland have thought fit to Enumerate by a Law what Statutes of England shall be in force in that Kingdom and that they would do well to acquaint the House and Consider of it whether such General Words may not rather be a Grievance to the people than otherwise they take Leave and Depart

Brought from the House of Burgesses by Major Thompson and nine other members the following message which was read viz^t

By the House of Burgesses July 9th 1696

U. H. J.

It is Represented to us by the messengers last sent that his Excellency was pleased to Give caution to this House that the Clause in the Act of Religion should be explained what was meant by the Words Statutes and Laws of England and requested that the House should explain themselves so as to make the words answer the ends Intended for which they humbly thank his Excellency and pray that to the former Words in the Act these words may be annexed (in all matters and Cases where the Laws of this Province are silent) with which words we pray the said Bill may pass

Signed p Order W Bladen Clk assembly

By his Excellency the Governor and Council July 9th 1696.

Ordered that the several Lawyers in Town return under their hands unto his Excellency in Council (with all Imaginable Expedition) in writing whether in the new bill drawn up relating to Religion &c a Clause therein incerted touching the Liberty of the Subject does not thereby give right to any person in case of meum and tuum to remove his cause to Westminster and whether upon the Statute of Magna Charta a man cannot demand to carry his cause to the court of common Pleas at Westminster

Signed p Order Henry Denton Clk

To his Excellency the Governor

In Obedience to this Command I am humbly of Opinion that the said Clause in the said Bill does not give right to any Person to remove his Cause to Westminster Hall to the court of common pleas there, by Reason of the saving in the said Bill and the other Laws of this province direct how and where Appeals shall be made Conformable to his Majestys Instructions therein which is humbly submitted to your Excellency by
Your Obedient Servants

Geo. Plater William Dent
Phill Clarke James Crauford
W^m Hemsley

I humbly conceive that as his Majesty hath full Power to erect courts so to limit the Jurisdiction of the same to any particular Persons or Places as he pleases and that he hath by his Excellencys commission and the Laws of this Province done the same here & ought not to be removed hence contrary to the same

Kenelm Cheseldyn Robert Smith
Edward Boothby

U. H. J. July 10th 1696 The Council Again Sate and were present as yesterday

Brought from the House of Burgesses by Major Thompson and three more of the House the following message viz^t

p. 900 By the House of Burgesses July 10th 1696.

Upon his Excellencys Proposals Resolved by this House that if M^r Blathwayt and M^r Povey do get our Act of Religion and Free Schools passed the Royal Assent this House will Gratify M^r Blathwayt with a Reward or Gift of 50 Guineas and M^r Povey with 50^l Sterling

This House have Resolved that the Publick Treasurer of the Western Shore send M^r Yard two Guineas for putting our Address into the Gazett

W Bladen Clk Assembly.

His Excellency is pleased to demand of the Board whether they have any further to Offer to the Assembly or in Council who say they have nothing further

Then taken into Consideration (after the Act of Religion is passed) what time to Prorogue the Assembly to and it is concluded upon and Resolved that they be Prorogued until the 16th day of September next but if the Fleet should not come in by that time that then they be further Prorogued by Proclamation

This House having received advice that this Board is ready to receive them came up Accordingly and brought the Bill relating to the Service of Almighty God and the Establishment of the Protestant Religion within this province fair engrossed the which after being Carefully Examined by the Originall and the severall Amendments therein proposed found corrected was assented to by his Majestys honourable Council

Then his Excellency was pleased to sign and Pass the same under the Broad Seal of the Province with this endorsement viz^t

July 10th 1696

On behalf of his Majesty King William the third I will this to be a Law

Francis Nicholson

Then his Excellency acquainted them that he had considered with his Majestys honourable council of Proroguing of the Assembly till the 16th of September next but in case the Fleet should not come in by that time that then they should be

further Prorogued by Proclamation and the Assembly was U. H. J.
 accordingly prorogued until the 16th day of September next
 So ended this Sessions of Assembly
 Hen Denton Clk Concil

A list of Bills of Exchange taken from Major Smithson July
 the 10th 1696

I Set of Bills of Exchange drawn by Richard Cheshire on M ^r John Duddlestone of Bristol	}	16.. 19.. 00.
I Set of Bills of Exchange drawn by John Lowry on Captain Antho: Shaton merchant in London		
I Set of Bills of Exchange drawn by Abra- ham Trickett on Benjamin Brane of London for	}	03.. 14.. 00
I Set of Bills of Exchange drawn by Thomas Ennals upon Samuel Groome of London for		
I Set of Bills of Exchange drawn by John Marshall on Richard Haughton merchant in Liverpool for	}	02.. 09.. 05
I Set of Bills of Exchange drawn by John Goddin on Samuel Groom merchant in London		
		01.. 02.. 00½
Total		44.. 17.. 09½

Writ underneath the said List by me Fr Nicholson

July the 4th 1696

Received then of Thomas Smithson Treasurer on the
 Eastern Shore the sum of Fifteen Pounds two Pence half
 Penny by Virtue of an Ordinance of Assembly in part of a
 Greater debt due to me from the Publick I say Received
 by me

Charles Hutchins

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

*At a Session held at Annapolis,
July 1—July 10, 1696.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

FRANCIS NICHOLSON,
Governor.

THE LOWER HOUSE.

Maryland ss :

Porte of Annapolis July the 1st 1696.

Original
Journal.
p. 1

Journall of the House of Delegates in Assembly.

Whereas the Gen^l Assembly of this province was by his Ex^{cy} Francis Nicholson Esq^r his Maj^{ty}s Cap^t Gen^l and Gov^r in chiefe of this Province and the Territories thereto [belonging pro]rogued from the fourteenth day of May last unto the [first day of July] to the said prorogation this day appeared in the [house the following m]embers, Viz^t

M^r Speaker, Col. Hans Hanson, Col John [Hutchins,] Major Thomas Smith, Major John Hamond, M^r James [Saunders, Capt Edw^d] Hill, M^r Thomas Tasker, Major Edw^d Dorsey, Major [James Smallwood M^r Henry] Hawkins, M^r Willm Hutchison, Cap^t John Ferry, M^r Rober[t Smith, Ma]jor Thomas Smithson, M^r Willm Hemsley, Colonel S^t Leiger Codd, Col: Ninian Beale and M^r Willm Hatton.

Colonel S^t Leiger Codd, and Major John Hamond sent to acquaint his Ex^{cy} the house is met according to the last prorogation.

M^r Henry Denton, Clarke of his Maj^{ty}s hon^{ble} Councill came to the house and signified that his Ex^{cy} required them to attend him at the Councill chamber.

And thereupon the house adjourned thither to wayte upon his Ex^{cy} where being admitted

His Ex^{cy} acquainted them that soon after the last prorogation he had received Severall packetts of Lrēs from England, Viz^t One from the Lords of his Maj^{ty}s most hon^{ble} privy Councill wherein they Signified the Discovery of a most horrid Conspiracy for assassinating his Maj^{ty}s sacred pson and Subverting his Government. Also acquainted the house that upon discovery of the said plott the parliament then Sitting in England had addressed his Ma^{ty} and entered into an association to defend his Royall person, his crowne, and dignity ag^t the late King James and all others his Enimies, as also to revenge any untimely accident that might happen to his said Ma^{ty} by reason of any such trayterous designs

That he did not doubt but that their Loyalty and Zeale to his Ma^{ty}s Service would induce them to follow the good example of their patriotts the Parliam^t of England. And that

Original Journal. he was willing the Gen^l Assembly should make the first address, and afterwards the Severall Countyes.

Then his Ex^{cy} acquainted them that he had taken care and sent for England the Severall Lr^s and addresses, as also the Laws made the last sessions, and then gave them Severall printed papers relating to the news and Trade of England for their pusuall.

p. 2 Whereupon M^r Speaker and the rest of the Members returned to the house and adjourned themselves untill 6 of the Clocke to Morrow Morning

Thursday July the 2nd 1696.

The house being met, was ordered to be called over and the following members were absent, Viz^t M^r Watson, Cap^t Waughop Major Dorsey, Cap^t Hill, Cap^t Tasker, M^r Crawford, Major Dent, M^r Boothby, M^r Jenkins, M^r Scarborough Mr D Bosman M^r Hooper, M^r Hicks, M^r Pollard, Major Ennalls, and Major Thompson.

M^r Jenkins, M^r [Scarborough,] and all Dorsett County Burgessess enter the [house.]

Resolved M^r Spea[ker issue] Warr^{ts} to the hon^{ble} his Ma^{tys} Secretary of this province to [presents] Writts for the Election of two Burgesses in S^t Mary's County, one in Calvert County, one in Baltemore, one in Talbott, one in Cæcill, and one in prince Georges County in the place of M^r Robert Mason, Cap^t John Bayne, M^r George Lingham, Major James Maxwell M^r Nicholas Low and Col. Willm Peirce now Sheriffs of the af^d Countys.

Com̄ittee of accompts appointed and sent out.

M^r Robert Mason, Major Thomas Smith, and M^r John Pollard.

Com̄ittee of Laws appointed and sent out.

M^r Philip Clarke, Major Thompson and Col: Codd

Upon proposall from his Ex^{cy} Resolved that the s^d Com̄ittee draw up the Acts of Religion anew and abreviate the same.

Voted and Resolved unanimously that this house doe address and congratulate his Ma^{tys} happy deliverance from the late trayterous designed assassination.

The house adjourns for two hours.

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post Merediem.

The house met again

Mr George Ashman appears as a Representative of Baltimore County and is ordered to take his place.

Resolved the following Message be sent to his Ex^{cy}

p. 3

By the house of Burgesses July the 2nd 1696.

This house humbly represent to yo^r Ex^{cy} that there are at this tyme one white serv^t woman and two Indians in the Custody of the Sherriff of Ann Arundel County for Murther or suspition thereof.

Therefore we humbly Supplicate your Exc^{ly} that you would be so favorably pleased to take such measures therein as your Ex^{cy} shall in your Wisdome think fitt to [Exonerate the County] from such charges as may arise from long detey[n]ing them in Custody]

Signed p Ord^r
W. Bladen Clk: Assembly

Sent p Mr Jenkins, and Mr Scarborough.—[and who are ordered] to acquaint his Ex^{cy} that this house desire [his Ex^{cy} to send] downe some of his Ma^{tys} hon^{ble} Councill to administer the oaths appointed by act of parliament to Mr George Ashman, elected a Burgess for Baltimore County.

Cap^t Tasker, Mr Crauford and Mr Dixon enter the house.

The hon^{ble} Col: George Robotham and Col Charles Hutchins came downe from his Ex^{cy} and administered the Oaths appointed by act of parliament unto the afd. Mr Ashman who Subscribed the test.

Also the said Gentⁿ of his Ma^{tys} hon^{ble} Councill brought the following proposalls from his Ex^{cy} upon which the house debated and resolved on as followeth, Imp^{rs} That all the Indian Land be adjusted and the bounds ascertyned Referr'd to the Consideration of the next Assembly for a Law to be made for ascertaining thereof.

2^d That all Ma^{rs} of Shippes for the future coming in give an acc^t to the Collectors and Navall officers upon Oath what Lrēs they bring in with them as also of what goods are consigned to any persons. Assented to by the house.

3^d What to be done with the Shippes left behinde in the Country.

Thought it will be for his Ma^{tys} Service they be permitted to Sayle as fast as got ready

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4. If the proclamation ag^t exportacōn of Corne, shall be taken off it being likely to be a good year. The house desire it may be further continued

5. What to be done with the 2 Indians and white woman now in prison.

The house desire his Ex^{cy} will grant a Spiall Comcon of Oyer & Terminer for their Tryall.

6th That the house would pmitt Col Beale to go home to take all necessary care about the Indians as he sees occasion. Assented to by the house

p. 4 7. Recommended Col: Beall be allowed for the two Indians brought up at two Severall tymes to Annapolis Ordered to be allowed therefore

8. Th^t all psons having any places of Gen^l Employ^{mt} within this province do reside in Towne.

The house are of opinion that such restriction will be a means to hinder psons Capable of such offices from accepting thereof

9. That whereas we [are apprehensive of] Danger from the fforaigne Indians proposed [two more should be] added to each party of the Rangers

W[ill be considered by] the house.

10. That whereas Severall [persons] are now among the Piscattaway Indians that an order [may be sent to] comand them downe to the ffort

Resolved Col: Beall carry up the said Ord^r

11. That the School law be altered and that the King be therein made Supreme patron of the said Schools, and the Arch Bishop, Chancellor of the said Schools, And that his Ma^{ty} be desired to appoint Trustees and Guardians also to be joyned with those appointed by this province and that the said Schools may for ever bear the name of King William's School

The house adjourned till 6 of the Clock to Morrow Morning.

Friday July the 3^d 1696.

The house met then read over what was done yesterday

Comittee of Acc^{ts} sent out.

A Bill for the Service of Almighty God and the Establishment of the protestant Religion read the first tyme.

Moved by a member that his Maj^{ty} be addressed by this house in relation to our Navigation Bonds

The house adjourned for 2 hours

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Post Meridiem. House Mett

Resolved the following Message be sent to his Ex^{cy} and the hon^{ble} Councill.

By the house of Burgesses July 3^d 1696

In Obedience to yo^r Ex^{cys} proposall relating to the Act for ffree Schools this house have read and considered the same as it now stands and considering the well penning and length thereof and not onely the promulgating the same throughout this province but the publication thereof in England as appears from thence in print Do therefore hope that the continuance of the said Act as it now is will not be any whit prejudiciall to what is hoped or wisht for thereby p. 5

Wherefore we humbly desire the Alteracōn thereof may be further Suspended untill greater necessity

Sent p Cap^t Hill [and M^r Clarke.]

Signed p or^d W Bladen Clk Assembly.

Who returne [to the house and re]porte they delivered their Message to his Ex^{cy} who [informed them it would] not pass unless altered according to the proposalls.

W Bladen his [petition read, Or]dered that what Tob^o is is allowed him this years Levy be [levyed and] paid him in Ann Arundel County.

Comittee of accompts enter the house and lay their Journall before the house which is approved of.

The house resolve themselves into a grand Comittee to confer with his Ex^{cy} and his Ma^{tys} hon^{ble} Councill.

His Ex^{cy} with his Ma^{tys} hon^{ble} Councill came downe to the house and upon Conference had, It was agreed the following proposalls should be made to the Empero^r of Piscattaway; Thom Calvert, King of Choptico; King Peter, the King of Mattawomans son and Severall of the great men attending upon the house, who being called before the house, his Ex^{cy} with the advice of this house told them that he would have the Chopticoes, pamunkies and Mattawomans, go and live with the Emper^r of piscattaway and be obedient to him during this tyme of Warr, and therefore would give the said Empero^r a Comission under the Broad Seale of this province That if any of the said Indians refused to live with the Empero^r so soon as their corne was gathered, they should be reputed as Ennimy's

That they should not hold correspondence with or entertain any strange Indians without giving notice to and having the

Original consent of this Govern^t His Ex^{cy} acquaints them that he is
Journal. resolved to Mayntayne the Garrison at the ffalls of potomack,
and rather then the same shall be deserted he will reside there
with 500 men.

p. 6 His Ex^{cy} forwarned the s^d Indians that they did not go out
of their bounds beyond the Garrison without giving notice to
the Comānd^r in chiefe of the said Garrison, least now this
tyme of Warr they might be mistaken for forraigne Indians
and be thereby endangered

That altho' the s^d Indians do go to the Forte and live under
the Empero^{rs} Comānd [yett they] shall not loose their Royalty
but so soon as their [corne was gathered, by their] application
may be permitted to [gunn and hunt] if they think fitt

His Ex^{cy} recom[ended to them that] they live amicable
together and give all due [obedience to the Em]pero^r of
Piscattaway.

His Ex^{cy} acqu[aainted them that] the Indians that live upon
the Branches of [potomack we]re sent to, and if they
refuse to come and live under [the] Empero^r or else go clear
away out of this province he will go up himselfe and route
them.

That they never entertain the Anna Costain King but that
they apprehend him and deliver him up to the English for
which they should be rewarded with twenty Match Coats.

That if they are willing to Sell any part of their Lands to
the English, his Ex^{cy} is consenting thereto and advises them
to go before some Magistrate to the end they may not be
cheated, nor any fraud comitted.

Whereupon the said Empero^r King Calvert, King Peter,
and the rest of the Indians Great men having had the same
interpreted to them, consented and agreed to Act and do
according to the af^sd proposalls.

Then his Ex^{cy} acquaints them that upon Munday next,
Coscanhosh, should be tryed for his life, and asked them what
they had to say for him.

Whereupon they replied that they had nothing to say for
him but delivered him to the English to do as they thought
fitt. But that they would all Speake for the Young Indian
because that when the Murther was done he was within the
fforte when at the same time Coshcanhosh was roving abroad.

p. 7 His Ex^{cy} told them that in favour to them and upon their
becoming obliged that the young Indian should behave him-
selfe well and honestly he would deliver him them. Where-
upon the Indians all promising that the said Young Indian
should well and honestly behave himselfe for the future he
ordered him to be delivered them and the said Indian was
accordingly delivered up.

Then his Ex^{cy} Ordered the Indians that were evidence ag^t Coscanhosh to stay, but dismissed the rest as they saw fitt. He told them that what was now said was before the whole Province being that p^{so}ns from all parts of it were present and [his Ex^{cy}] acquaints them that Col: Addison and Major Smalwood of this Conference to whome the s^d Indians might

Then ordered

After which his Ex^{cy} and the members of the hon^{ble} Council being withdrawn the house adjourned [untill] 6 of the Clock to Morrow Morning.

Saturday July the 4th 1696.

The house met. Then read over what was done yesterday.

A Bill for the Service of Almighty God and the Establishm^t of the protestant Religion within this Province read the second tyme and passed, Nemine Contradicente. The said Bill sent up to the Hon^{ble} Council by Cap^t Hill M^r Saunders M^r Jenkins, Major Dorsey, M^r Scarborough & M^r Hawkins. Who returne and say they have delivered the said Bill to his Ma^{tys} hon^{ble} Council

The house adjourned for two hours.

Post Meridiem. The house met.

Resolved an address be sent to the Lords of his Ma^{tys} most hon^{ble} the privy Council to thanke them for the Care of the province

The Empero^r of Piscattaway and the other Indians being called in his Ma^{tys} Commission under the broad Seale of this province was delivered and given the said Empero^r constituting him Comander of all the Indians on the Western Shoar of Maryland

Comittee of Laws enter the house.

His Ex^{cy} proposes and recomends to the house the Consideration of the Gov^r of New Yorkes Letter, and if they will send any more mony to the assistance of New Yorke his Ex^{cy} will advance the same.

Recomended from his Ex^{cy} that if the house thinke fitt to pass the Act of Religion as proposed the Province shall be at no charge in passing thereof but his Ex^{cy} will pay the Same.

A Bill for Sanctifying and keeping holy the Lords day p. 8 comonly called Sunday read the first tyme.

A Bill for Settling the Clarke of the Councils ffees read the first tyme and passed.

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A Supplementary Bill to the Act for imposing a duty upon officers read the first tyme.

The af^d Bill read the [second & third] tyme and sent up to his Majestys honourable Councill.

It being proposed they send some further supply towards the [assistance of his Ma^{ty}s] Governm^t of New Yorke pursuant to the Gov^r [of New Yorkes] Letter now lying before the house for their consideration [his Ex^{cy} being] willing to lend the country money upon that occasion if wanting.

The house humbly thanke his Ex^{cy} for his generous offer ; But considering how much they are already engaged to his Ex^{cy} for money already by him advanced upon that accompt, and how uncapable they are at present to reimburse him, and conceiving themselves to have Sufficiently advanced towards the assistance of New Yorke, especially having paid that Governm^t 120^l odd pounds more then what his sacred Ma^{ty} hath been graciously pleased to declare should be in leiw of the Quota from this Province, do not thinke themselves obliged any ways to contribute thereto, untill his Ma^{ty}s royall pleasure shall be further declared therein. Which this Province with all obedience will wayte for.

House adjourned till 6 of the Clock on Munday Morning.

Munday July the 6th 1696.

House met. Then was read over what was done on Saturday last.

M^r Clarke and Col: Codd sent up to the Councill with the Bill for the Service of Almighty God and Establishm^t of the Protestant Religion within this Province.

A Bill for Free Schools, and A Bill for reviving the temporary Lawes of this province, read three tymes by Sp^{iall} order and sent up to his Ma^{ty}s hon^{ble} Councill with Severall L^{res} and addresses by M^r James Crauford

The House adjourned till two of the Clock.

Post Merediem. House met.

The hon^{ble} Colonel David Browne, and James Frisby Esq^r came down to the house from His Ma^{ty}s hon^{ble} Councill and brought the following Bills Viz^t

- p. 9 A Bill for Sanctifying and keeping holy the Lords day
 A Bill for Settling the Clarke of the Councils ffees,
 A Supplementary Bill [to the Act for] Imposing a duty upon offices.

Resolved [nemine Contradicente that his] Ma^{ty} be addressed to returne our thanks for
of New Yorke

tributing to the assistance
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Upon Discovery of the [trayterous and] designed Assassination of his Ma^{ty} sacred person prop[osed by his] Ex^{cy} that if this house do thinke that it may be for his Ma^{ty}s Service he will take care to secure all papists their horses, arms and ammunition ; but thanks God he fears no danger from them.

Upon which the house returne his Ex^{cy} their thanks for his Care and acquaint him that whereas they do not in the least apprehend any danger from them so they are of opinion there will be no occasion thereof.

Severall of the new Elected members of this House give to the use of the Free Schools as follows (to witt)

	1 tob.	} The s ^d Gentlemen to be discharged from their Subscriptions in their Severall Countyes.
Mr James Crauford	1000	
Mr Jenkins	1000	
Mr William Hatton	1000	
Mr William Helmsley	800	
Mr George Ashman	600	
Maj ^r W ^m Barton	800	

Mr Anthony Workeman came before the house and gave 150^l Sterl: to the building of an house upon a Lott which his Ex^{cy} had already given together with tenn pounds Sterl: towards building the said house which is to be enjoyed by the said Anthony Workeman during his naturall life, and remayne over to the use of the Free Schools. Also the said Mr Workeman promised to leave all Improvements upon the said Lott in good and Sufficient Repair.

The house adjourned till 6 a Clock to morrow morning

Tuesday July the 7th 1696

Then the house met and read over what was done yesterday.

Proposed that in the Act of Religion it be said Ecclesiasticall fundamentall laws of England.

Put to the Vote if the s^d Bill shall be referred to the Consideration of the next sessions of Assembly, and carryed in the affirmative. Whereupon resolved the following Message be sent to his Ex^{cy} and his Ma^{ty}s hon^{ble} Councill Viz^t

p. 10

By the house of Burgesses July the 7th 1696.

To His Ex^{cy} the [Gov^r and the hon^{ble} Councill.]

We have with our [utmost Diligence and Care] considered

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of the Bill lying before us relat[ing to the Establishing] of the protestant Religion in this province, [which this house proposed] to pass as it is already penned, But in regard [yo^r Ex^{cy} app[roves not the same without some alteration and this [house can] not at present recede from their former resolves therein, and it appearing to us a matter of as great moment as can come under our consideration. We desire that the further proceedings as to the accomplishing the Same may at present be referred untill another assembly, that thereby we may severally and seperately consider the same.

Signed by order

W Bladen Clk Assembly.

Sent p Major Hamond, M^r Frisby, M^r Crauford and M^r Clarke, who returne and Say they have delivered their Message.

Upon the petition of Severall the Inhabitants of Dorchester County.

Resolved that the Act ag^t Striking ffish in Dorchester County and Somerset County be repealed.

Proposed that a mold or place be made at the end of the Stad^t house for his Ma^{ty}s picture.

Assented to by the house.

The house adjourned till 6 of the clock to Morrow Morning.

Wednesday July the 8th 1696. The house met again.

Debated in the house concerning the act of Religion, and Resolved the following Message be sent to his Ex^{cy} the Gov^r and Councill.

By the House of Burgesses, July the 8th 1696

p. 11 We did Yesterday by our written Message address ourselves to y^r Ex^{cy} in Councill concerning a Bill lying before us touching which we prayed further tyme to consider, to which your Ex^{cy} has not yet been pleased to give us answer. We humbly pray your Ex^{cy} to be assured that what we have done or ordered proceeds from honest hearts and earnest desires as well to the Service of Almighty God and his Ma^{ty} as to our owne Rights and libertyes; and that therefore yo^r Ex^{cy} will so understand us and give [an answer to] our former message.

Signed p ord^r W Bladen Clk: Assembly

Sent by Severall [members of this house] who returne [and say they deli]vered their Message.

M^r Clarke, Major [Dorsey,] Major Hamond and M^r Boothby

are hereby appoint[ed a Co[m]mittee] to inspect and peruse the ^{Original} Laws of this province, and make [their] reporte to the next ^{Journal.} Session of Assembly.

Ordered the said Co[m]mittee meet some tyme the next provinciall Court, at the Porte of Annapolis, and that Wm Bladen be their Clarke.

House adjourned for two hours.

Post Meridiem The house met.

By his Ex^{cy} the Gov^r and Councill July the 8th 1697

The Message last night by M^r Clarke, Major Hamond &c was received, as also that by Col: Codd, Cap^t Tasker and M^r Clarke this morning Sent wherein this house prays some further tyme to consider of a certain Bill therein mencōned. This Board do therefore reco[m]mend that they dispatch the other business now lying before them, and bring up the Severall bills engrossed that some Speedy end may be put to this present Sessions.

Signed p Order. Henry Denton Clk. Councill

Severall members Justices of the provinciall Court and others appointed a Co[m]mittee to apportion the publique Levy. Viz^t M^r Rob^t Mason, M^r Philip Clarke, M^r Rob^t Smith Col. S^t Leger Codd, Major John Hamond, Cap^t Rich^d Hill, Major Willm Dent, M^r Edw^d Boothby, M^r Mathew Scarborough, M^r John Pollard, Col: Aug Herrman, and M^r W^m Hatton who are to meet at the porte of Annapolis the 2nd day of Octob^r next They or the Major part of them to apportion the publique Levy. Ordered Willm Bladen as clarke to the said Co[m]mittee

Major Smithson informs the house that he is publiq^e Treasurer for the Eastern Shoar, he has 12200^l tob: in his hands by the imposition upon offices

A Bill for repealing the act ag^t Strikeing of Fish in Dor- p. 12
chester and Somersett Countyes, read three tymes and passed.

A Bill for assessing the publiq^e Charge of this province, read three tymes & passed.

The house adjourned themselves for an hour, And M^r Speaker and the rest of the members go up to his Ex^{cy} and carry with them the following Bills Viz^t

A Bill for san[ctifying and keeping holy] the Lords day co[m]monly called Sunday.

A Bill [Supplementary to] the Act for raising a Supply for defraying [the publique charge] of this province.

A Bill prohibi[ting all manner] of prophane swearing and cursing.

Original Journal. A Bill for reviving the Temporary Lawes of this province.
 A Bill for repealing a certain Law ag^t Strikeing of fish in
 Dorchester and Somerset Countys.

A Bill for assessing the publiq^e charge of this province.

Where being admitted and presenting the said Bills his Ex^{cy} was pleased on his Ma^{tys} behalfe to assent thereunto and signe the Same and they were accordingly sealed with the broad seale of this province. After which his Ex^{cy} acquainted them that he was sorry to find that they could not agree upon passing the Bill for Religion as proposed, telling them that he was given to understand that his Ma^{ty} would not assent to any law that contayned two things of different natures as this did, to witt Spirituall or Ecclesiasticall and temporall. That if the Bill be passed as now penned it would occasion them to carry their causes to Westminster the which intollerable inconveniences could not be avoyded.

That he hoped none could be so absurd as to doubt of his royall Ma^{tys} Justice, who ventured his life in coming over to England to defend their Rights and Libertys, and was at this present actually engaged in the same Quarrell.

That as for himselfe he desired them freely to speake if he had any ways infringed or broake in upon any of their Rights and priviledges; and advised them if there was any occasion
 p. 13 of a future confirmation thereof that they should address his Ma^{ty} for a Declaratory act for the passing whereof he would use his Interest.

That true it was confest that they had been instrumental in Making Severall good Laws, but if so be they left those for Religion unfinished they had begun an unperfect piece of worke. Therefore prorogued them until the [ninth] instant.

Thursday [July the 9th] 1696

The House accord[ing to proro]gation last night being inst.

Major Thompson and M^r Helmsley sent to acquaint his Ex^{cy} the house is met according to prorogation last night, who return and say they delivered their message, and that his Ex^{cy} was ready to receive the house when they thinke fitt to come up.

Whereupon the house adjourned for an hour, and went up to the Councill to attend upon his Ex^{cy} where being admitted his Ex^{cy} thus bespooke them.

That what he had to recommend to them was a Bill lying before the house for the Establishing of the protestant Religion, which Bill as it is now penned conteyns two different things, and his Ma^{ty} has declared he will not pass any Bill conteyning

things of different natures, therefore recomends to them to pass it as proposed; for that if it should go in the words fundamentall laws of the Kingdom of England it would occasion them to carry their causes to Westminster. But if they think fitt to draw up a Declaratory Act of their Rights and priviledges he will pass it here and use his interest for the passing thereof in England.

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After which the members repaired to their house, and entered into Debate concerning the said Bill.

Put to the Question and carried by Majority of voices that a Committee be appointed to draw up reasons for or ag^t passing the s^d Bill.

Appointed of the s^d Committee, Cap^t Dent, M^r Boothby, M^r Clarke Cap^t Hill, Col: Codd, Major Hutchison, Major Thompson, M^r Robert Smith, and M^r W^m Hutchison.

House adjourned for 2 hours.

Post Meridiem The House met.

p. 14

Major Dent and the other members this day appointed a Committee to draw up Reasons for or against passing the Bill for Religion, Enter the house and present Severall reasons for and ag^t passing the s^d Bill as proposed which were read in the house and these in the following Message [sent up to] his Ex^{cy} and his Ma^{ty}s hon^{ble} Councill, Viz^t

By the house [of Burgesses July the 9th] 1696

We have with [our utmost care and Scrutiny] considered the clause in the law [for Religion; And] as we are earnestly desirous to propogate the same [out of the sense] of our duty to God loyalty to his most sacred Ma^{ty} and in] imitation of his Ex^{cy} most noble and worthy example, so we conceive we ought not altogether to be unmindfull of the Rights and libertyes of ourselves and those we represent. We are earnestly desirous rightly to understand his Ex^{cy} and to be Rightly understood by him, and therefore have endeavoured to find out an accomodation of words, that may answer all Intents, by putting in the words, Laws and Statutes of England instead of the words fundamentall laws of England.

We are not in the least doubt of our Rights or Libertyes being infringed by our Gracious Soveraigne or our noble and worthy Governor; and do sincerely acknowledge that his Ex^{cy} Governs by the fairest measures and freest adminiscōn of the Laws we are capable of understanding and therefore have not the least apprehension of his invading our Rights and priviledges, We firmly believe ourselves and those we

Original Journal. represent to be within the benefitt of all libertyes and privileges of English free borne Subjects, being granted to this province by his Ma^{ty}s royall predecessor Charles the first of England and generally used in the Governm^t of this province.

We believe our Sacred Sovereigne exposed his Royall person to great hazards for the preservation and maynteynance
 p. 15 of the Rights and libertyes of those Dominions to which we belong, and therein has been perpetually protected by an immediate finger of Godd ag^t all attempts of his Enimys to the contrary And therefore as it hath always been usuall for parliam^{ts} under good and gracious Kings to have reiterated and Confirmed to them, their antient Rights and libertyes [both in church and State,] Which we find by experience they have frequently [prayed for and] obteyned. We cannot distrust but that his Ma^{ty} will; [graciously confirme] the same to us, at our humble motion we humbly offer these Reasons why that clause [may be continued] in the Law.

First we find that King Henry in his grant of that great charter annexed the liberty's and privileges of the church and subject together, comprising them in one grant, tho' in Severall paragraphs or chapters.

Therefore we hope his most Sacred Ma^{ty} will accept of our Imitation thereof and cannot but believe us to be forgettfull of ourselves if omitted by us.

2^{dly} We find the same again joyned in one Charter to the Lord Baltemore for the Seating this province Viz^t the propagacōn of the church and the liberty of the Subject declared in the same charter.

3^{dly} We find that when his Ma^{ty} was graciously pleased to take the governm^t of this province into his hands, the first law that was made here was declaratory of the Rights and Liberties of the church and subject also conteyned in one and the same act.

And if we after all these and many more examples of the like nature which in this Juncture we have not tyme to collect, we should as we do earnestly endeavour to propagate and maynteyne our Duty to God and the King, and forget those we represent, we must believe we are wanting to ourselves
 p. 16 since they have not in any thing we have seen been Seperated, We humbly desire they may be joyned and not omitted in this.

And therefore humbly desire that these o^r reasons may be taken into consideration

And we pray to Godd to bless us and our posteritys as our concienccies witness our Integrity in this matter

Signed p ord^r W Bladen Clk: Assembly

Sent by Major Dent, M^r Clarke, M^r Hutchins, M^r Barton,

Mr Hooper, Mr Tasker, Mr Frisby, Major Ennalls and Mr Hutchison. Original
Journal.

Who returne and say [they have deli]vered their Message and that it is required what is me[ant by] the Statutes and Laws of England.

Resolved these words be added and incerted in the said Bill, Viz^t

In all matters and causes where the Laws of this province are Silent.

Also resolved the following Message be sent to his Ex^{cy}

By the house of Burgesses. July the 9th 1696

It is represented to us by the Messengers last sent that his Excellency was pleased to give caution to this house that the clause in the Act of Religion should be explainned what was meant by the words Statutes and laws of England, and require that this house would explainne themselves so as to make the words answer the ends intended, for which we humbly thank his Majestys Gov^r and pray that to the former words in the act may be annexed (in all matters and cases where the laws of this province are Silent)

With which words we pray the said Bill may pass.

Signed p order

W. Bladen Clk: Assembly

Sent p Major Thompson and Colonel Pearce.

The house adjourned till 6 of the Clock to Morrow Morning.

Fryday July the 10th 1696

The house met. Major Thompson reports to the house that he had delivered his Message to his Ex^{cy} upon which he was sent last night. And that his Ex^{cy} recomends these words may be added viz^t

In this his Ma^{tys} province of Maryland.

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Resolved Letters be writt to his Grace of Canterbury My Lord B^p of London, Esq^r Blathwayte and Mr Povey.

House adjourned for two hours.

post meridiem House met

A Bill for the [Service of Almighty] God and the Establishm^t of the protestant [Religion in this] province. Read and sent up to his Maj^{tys} hon^{ble} [Councill.]

Mr Tho^s Col ad whereupon the house desire his Ex^{cy} will be pleased arge his Comission

The house adjourned for two hours.

Original
Journal.

House met againe

And Mr Speaker and the Rest of the Members go up to his Ex^{cy} and carry with them the aforesaid Bill for the Service of Almighty God and the Establishment of the protestant religion within this Province.

To which his Excellency on behalfe of his Majesty assented. And the same was in presence of the house sealed with the Broad Seale of this province.

After which his Ex^{cy} gave the house to understand that, whereas the fleet was not yet arrived but shortly expected, he prorogued them untill the 16th day of September next.

At which tyme if there were no occasion of their coming he would in convenient tyme give them notice, and by proclamation further prorogue them,

W Bladen Clk. Assembly.

Examined by me

Thomas Laurence Secretary.

Lib. L. L. 2

Laws made in July
1696

An Act for Sanctifying & keeping holy the Lord's Day
Commonly called Sunday

Forasmuch as the Sanctifying and Keeping holy of the Lords Day Commonly Called Sunday hath been and is Esteemed by the present and all primitive Christians and people to be a principal part of the Worship of Allmighty God and the Hono^r which is due to his holy name. Be it enacted by the Kings most Excellent Majesty by and with the Advice and Consent of this present Generall Assembly and by the Authority of the same That from and after the publication of this Law no person or persons whatsoever within this Province shall work or do any bodily Labour or Occupation upon the Lord's day Commonly Called Sunday nor shall Comānd or willfully suffer any of his her or their Children Servants or Slaves to work or Labour as aforesaid (the works of absolute necessity and mercy Allways Excepted) nor shall Suffer or Permitt any of his her or their Children Servants or Slaves or any other under their Authority to abuse or prophane the Lords day as afores^d by drunkenness swearing Gameing fowling fishing hunting or any other Sports or pastimes or recrea-

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tions whatsoever and if any person or persons within this Province from and after the publication hereof shall offend in all or any of the premisses he she or they so offending shall forfeitt and pay for every Offence the sume of one hundred pounds of Tobacco to the use of the poor of the parish where the said Offender or Offenders do dwell and reside the said offences or any of them being done in view of any Justice of the peace, Magistrate or other head officer of any County, City or Town Corporate within this province within their Limitts respectively or being proved by the Oath of Two or more Wittnesses or by Confession of the party offending before any such Magistrate Justice or head Officer within their severall Limitts respectively wherein such Offences shall be Committed to which end every Justice Magistrate or other head Officer shall have power by this Act to Administer Oath to such Wittness or Wittnesses any of which sume or summs of Tobacco so forfeited shall and may be Executed and leavied by the Sherriffe or Constable by Warrant to any of them directed from any such Justice or Justices of the peace Magistrate or other head Officer as aforesaid within their severall Limitts where all or any of the said Offences shall be Committed or done by distress or Sale of the Offenders Goods rendring the Party the Overplus, all which forfeitures shall be to our Sovereigne Lord the King his heires and Successors to the use aforesaid to be recovered in any Court of Record within this Province by any person that will sue for the same by Bill Plaint or Information wherein no Essoyne Protection or Wager of Law to be Allowed, And the said Justices, Magistrates Sherriffs or Constables shall render an Accompt thereof att the next Court to be holden for the respective Countys Citys or Burroughs where the said Offence shall be Committed and in default of such distress the Sherriffe under-sherriffe or Constable are hereby Authorized and Impowered to bring the Party Offending before the next Justice of Peace who is hereby Authorized and impowered to bind such Offender or Offenders over to the next Court to be holden for the County City or Burrough respectively and to be durling the Intervall of Good behaviour

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And be it Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid That the minister of each respective Church or Chappell of this Province do in pursuance of his Matys Royall Letter directed to the right Reverend Father in God Henry Lord Bishop of London and Countersigned by the right Noble Prince Charles Duke of Shrewsbury their Matys Principall Secretary of State bearing Date the thirteenth day of ffebruary Año Dmi one Thousand Six hundred Eighty nine to be Comunicated to the Prov-

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Lib. L. L. 2 inces of Canterbury and York by himsele or Clerk read four times a year all penall Laws of this Province made for punishment of Vice together with his said Matys Royall Letter within their Severall and respective Parishes on penalty of Two Thousand pounds of Tobbacco to be recovered as af^d to the use aforesaid Be it Likewise Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid That no Ordinary keeper or any other Master or Mistress of a family from and after the time afores^d either directly or indirectly by any Colour or pretence whatsoever (unless in Cases of Absolute necessity) shall or may upon the Lords day sell any strong liquor whatsoever to any person whatsoever or knowingly or wittingly suffer or permitt in or about his her or their house or houses any tipling drunkenness Gaming Exercise or patience whatsoever as aforesaid being Convicted thereof by two Sufficient Wittnesses shall forfeitt the Sumē of two Thousand pounds of Tobb^o one Moiety thereof to our Sovereigne Lord the King his heires and Successors to the
 p. 115 use aforesaid the other halfe to him or them that shall sue for the same to be recovered as aforesaid and if an Ordinary Keeper to loose his Licence.

And it is hereby further Enacted that the Severall Clerks of the Severall County Courts within this Province be obliged hereby to Suffer & Permitt the severall Clerks of the severall Vestrys to take Copys of all and singular the Acts of Assembly relateing to religion Gratis without takeing or receiving any ffee therefore under penalty of Two Thousand pounds of Tobacco to such County Clerk refuseing the same to the use afores^d to be recovred as af^d

[Address to the King]

with Act for establishing Free Schools

To his most Excellent Majesty &c Dread Sovereigne

From the Sincerity of our humble and Loyall hearts we offer to your Sacred person our most Dutifull and sincere Thanks for your Royall Care and protection to us, for your Maties Princely Zeale and pious Care of our Mother the Church of England and Extending your Royall benediction to our neighbouring Colony your Māties Subjects & Territory of Virginia in your gracious Grant and Charter for the propagation of the Colledge or place of universall Study in that your Matys said Colony. In humble Contemplacōn whereof and being Excited by his present Excellency Francis Nicholson Esq^r Your Maties Governor of this your Province, his Zeal for your Maties

Service, Pious Endeavours and Generous Offers for the Propagation of Christianity and good Learning herein we become humble Suitors to your most Sacred Maty to Extend your Royall grace and favour to us your Matys Subjects of this Province represented in this your Matys Generall Assembly thereof That it may be Enacted And May it be Enacted by the Kings Most Excellent Maty by and with the Advice prayer and Consent of this present Generall Assembly and the Authority of the same That for the Propagation of the Gospell and the Education of the Youth of this Province in Good Letters and manners That a certein place or places for a free school or schools or place of Study of Latine Greek Writeing and the like Consisting of one Master one Usher and one writing Master or Scribe to a Schoole and one hundred Scholars more or less according to the Ability of the s^d ffreeschool may be made Erected founded propagated & Established under your Royall Patronage, And That the most Reverend Father in God Thomas by Divine providence Lord Archbishop of Canterbury Primate & Metropolitan of all England may be Chancello^r of the said Schools and that to perpetuate the memory of your Maty it may be called King William's Schoole and managed by Certeine Trustees to be Chosen and Appointed by your Sacred Maty (to witt) as also by the following Trustees nominated and appointed by this present Generall Assembly (that is to say) by your Matys said Governor Francis Nicholson Esq^r The Hon^{ble} Sr Thomas Lawrence Barronett, Colonel George Robotham, Colonel Charles Hutchins, Colonel John Addison of your Matys hoñble Councill of this Province The Reverend Divine M^r Peregrine Cony & M^r John Hewett together with Robert Smith, Kenelm Cheseldyn, Henry Coursey, Edward Dorsey, Thomas Ennalls, Thomas Taskers, Francis Jenkins, Will^m Dent, Thomas Smith, Edward Boothby, John Thompson and John Bigger Gentlemen, or the greatest part or the Successors of them upon and in a Certeine place of this Province Called Ann Arundell Town upon Seaverne River and at such other place or places as by the Generall Assembly of this Province shall be thought Convenient and fitting to be Supported and maintained in all time Comeing and That your Māty will for your heires and Successors Grant and give leave to the said Francis Nicholson Esq^r and Trustees aforesaid or the Major part or longest livers of them that they may be Enabled to take, hold, and enjoy and that they may be Apt & Capable in Law for takeing holding and enjoying all mannors Lands Tenements Rents Services, Rectories, Portions, Annuities Pensions with all other Inheritances, ffranchises and Possessions whatsoever Spirituall or Temporall to the Value

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Lib. L. L. 2 of fifteen hundred pounds Sterling and all other goods Chattells money & personall Estate whatsoever of the gift of any person whatsoever that is willing to bestow them for the said

p. 118 use or any other Gifts Grants Assignments Legacys or appointment of the Same or of any of them or of any other Goods whatsoever with this Express intention and Trust putt in them That the said Francis Nicholson and other the Trustees aforesaid or the Major part or the longest livers of them shall take and hold the premisses and shall dispose of the same and of the Rents Revenues and profitts thereof or of any of them onely for the defraying of the Charges that shall be laid out in Erecting and fitting the Edifices of the said free-school or Schooles as they or the Major part of them shall think most Expedient untill the said ffree school or schooles shall be Actually Erected founded and Established and upon the Trust and Intention That as soon as the said ffree School or Schools shall be erected & founded the said Francis Nicholson and other the Trustees above named shall from time to time and att all times hereafter apply all Lands Tenements, Rents Annuitys Goods Chattells profitts incomes or Advantages w^tsoever reall or personall or as much as shall not be laid out & bestowed upon building the said ffree schoole or Schooles as aforesaid as shall be hereafter Expressed And that when the said ffree Schoole or Schools shall be so Erected and Established the said Francis Nicholson and other the Trustees above named or the Major part or the longest livers of them shall apply and appropriate to the use benefitt and Maintenance

p. 119 out of the Revenues or Incomes to the said Trustees for the use aforesaid the sume of one hundred and Twenty pounds Sterling per Annum for the Sallary Supporte and Maintenance of the said first mentioned ffree Schoole Master Usher and Scribe and the necessary repaires and Improvements of the same as to the said Francis Nicholson and Trustees aforesaid the Major part or Survivors of them shall seem Expedient from time to time to ordaine in the premises and that for the uses and purposes aforesaid they the said Francis Nicholson and the Trustees afores^d the Survivors or the Major part of them shall and may be incorporated into a body Politique by by the name of the Rectors, Governors Trustees and Visitors of the ffreeschools of Maryland with full power to plead and be Impleaded, to sue and be sued to defend and be defended to answer and be answered in all and every Cause Complaint and Action reall personall or mixt of w^tsoever kind or nature it shall be whatsoever Courts and places of Judicature belonging to your M^{ty} Your heires or Successors or by from or under your Royall Grant or Authority and that your M^{ty} will be graciously pleased to give and grant your Special

Licence as farr as your Maty see Expedient to the s^d Francis Nicholson Esq^r and the other Trustees aforesaid th^t they or any of them or that any person or persons whatsoever after the said ffree school or schools is or are so Erected founded and Established or before may have power to give and grant Assigne & bequeath all or any Mañor Lands Tenements Rents Services portions Annuitys, Pensions Inheritances, Franchises and Possessions whatsoever Spirituall or temporall to the Value of fifteen hundred pounds Sterl p year besides all Burthens reprizalls and reparations to them the said Francis Nicholson and others the Governors Trustees and Visitors of the said ffreeschools of Maryland the Major part or Survivors of them incorporate for the uses afores^d to them and theire Successors forever And further that the said Francis Nicholson and other the Governo^{rs} Trustees and Visitors aforesaid the longest Livers and Successors of them be the true Sole and undoubted Visitors Trustees & Governors of the said ffree School or Schools in perpetuall Succession forever to be Continued in the Way & Mañer hereafter Specified with full and absolute power liberty and Authority in makeing and ordeining such Laws Orders and rules for the good Government of the said ffree School or Schools as to them the s^d Trustees Governors and Visitors af^d and their Successors shall from time to time according to the Various Occasions & Circumstances seem most fitt and requisite all of which shall be observed by the Master, Usher, Tutors and Scholars of the said Schoole upon the penaltys therein Contained Provided Notwithstanding That the said Rules Laws and Orders be no ways Contrary to your Matys Prerogative Royall nor to the Laws and Statutes of Your Māties Kingdom of England or Province of Maryland aforesaid or to the Cannons and Constitutions of the Church of England by Law Established and that they the said Governors and Visitors & Trustees aforesaid and their Successors shall forever be Eighteen men and not Exceeding twenty in the whole to be Elected and Constituted in the way and mañer hereafter Specified of which one discreet and fitt person that shall be Called Rector of the said ffreeschoole and Schools and that from time to time and in all times Coming the s^d Rector shall Exercise the said Office during one year (Death and Legall Disability Excepted) and after till some others of the said Visitors and Governors of the said School and Schools shall be duly Elected preferred and sworne to the said Office and that from time to time and att all times Coming after the said Year is Expired or after the Death of the said Rector the Visitors or Governors of the said Schoole or Schools or the greatest part of them or their Successors should have power to Elect and nominate an other Discreet

Lib. L. I., 2

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Lib. L. L. 2 and fitt person from amongst themselves to be Rector of the said ffree School or schooles and that he who is so Elected preferred and nominated into the place of Rector as aforesaid shall have power to have Exercise and Enjoy the said Office of Rector for one whole year (Except before Excepted) then next Ensueing and thereafter untill some other Rector of the said School or Schools shall be duly Elected preferred to and Sworne in the said office And to perpetuate the succession of the said Governors Rectors and Visitors that as
p. 122 often as one or more of the Governors or Visitors of the said School or Schools shall die or remove himselfe and family out of this Province into any other Country for good and all that then and so often the Rector for the time being and the other Visitors & Govern^{rs} of the said ffree School and Schools then Surviving and remaining within the Province or the Major part of them shall and may have leave to Elect nominate and Choose one or more of the Principall and better Sorte of the Inhabitants of the said Province into the place or places of the said Visitors and Governors so dead or removed and so to fill up the number of the Visitors and Governors of the said School and Schools and that he & they so Elected and Chosen shall take his and their Corporall Oath before the Rector and other Visitors and Governors as aforesaid or the Major of them well and faithfully to Execute the said Office which Oath the Rector and two or more of the said Visitors shall have power to Administer and that after the takeing the said Oath he or they shall be of the number of the said Visitors and Governo^{rs} of the s^d School or Schools and further that the said Rector for the time being by and with the advice and Consent of three or more of the said Governors and Visitors shall and may from time to time and as often as need shall require and they see Convenient Call and Convocate the said Governo^{rs} and Visitors
p. 123 together to do Consult and Consent to such things as for the Propagation good and benefitt of the said ffree School or Schools shall be ordained and Established and that the said Governors and Visitors shall and may hold such their Court or Convocation in such ffree School or such part thereof as to them shall seem Convenient and shall and may from time to time punish any disorder breaches Misdemeanors or Offences of any Master Usher or Scribe or Schollars of any such ffree School or Schools against any Orders Laws or decrees of the said Governors & Visitors aforesaid and if they find Cause to alter displace and turn out any Master Usher or Scribe of any such School or Schools and put others in their steads and places as to the said Rectors Governors and Visitors of the said School or Schools or the Major Part of them shall seem Convenient and fitting and also that the said Rectors Governors

and Visitors of the said ffree school or schools and their Lib. L. L. 2
Successors shall have one Comon Seale which they may make
use of in Whatsoever Cause and business belonging to them
and their Successors relateing to the said Office of Rector
Governors and Visitors of the said ffree school & schools
and that the said Governors and Visitors may have leave to
break Change and renew their said Seale from time to time
att their pleasure as they shall see most Expedient And further
that it may please Your Maty to Grant to the said Rector
Governors and Visitors aforesaid of the said ffree School or
Schools afores^d That as soon as they shall be enabled by any
Gifts Grants pensions Donacōns or incommes of any Manors
Lands Tenements or other Estate whatsoever Reall or Personall p. 124
Exceeding the Summe of one hundred and Twenty pounds p
year allotted and Allowed for Supporte and reparations of
the first free School att Seaverne as aforesaid that then as they
shall be Enabled as aforesaid the said Rector Governors and
Visitors shall proceed to erect found and build one other ffree
Schoole att the Town of Oxford on the Eastern Shoar of this
Province in Talbott County or in such other place of the same
County as to the said Rectors Governors and Visitors afore-
said shall seem most Expedient and after the same shall be
built founded and Established to appropriate & Apply to the
said Second ffree Schoole out of the Treasure Accrewing to
them for the benefitt and Advantage of ffree Schools aforesaid
over and above the one hundred and Twenty pounds p Year
allowed as aforesaid to the first free schoole the like summe of
one hundred and Twenty pounds p year for the benefitt
Advantage and Supporte of such second ffree school and shall
and may place a Master Usher and scribe therein as in the
other first free schoole as af^d and shall in all respects be under
the same benefitts priviledges injunctions and restrictions as
the said first free School and also after the said second ffree
school is built Erected founded and furnished the said Rectors
Governors & Visitors shall as fast as they shall be Enabled
as afores^d pceed to the Erecting other and more ffree schools
in this Province (that is to say) in every County of this province p. 125
att p'sent one ffree schoole and shall and may be Impowered
to Establish Constitute enjoyne and restraine to and under
the same benefitts Advantages Instructions and restrictions
as aforesaid and appropriate and apply such and so much
of the said Revenue not before disposed or Ordained to each
ffree school as to them shall seem most Convenient and Expe-
dient not Exceeding one hundred and Twenty pounds p
Annum as aforesaid And be it hereby Enacted by the Authority
aforesaid That a Supplementary Act for free schools made att
a Session of Assembly begun and held att the City of S^t Marys

Lib. L. L. 2 the Twenty first day of September 1694 be and is hereby Utterly repealed and made Void.

An Act for the Service of Almighty God and the Establishment of the Protestant Religion within this Province.

Forasmuch as in a well Grounded Christian Commonwealth matters Concerning Religion and the Honour of God ought in the first place to be Endeavoured and taken into consideration as that which is not onely most Acceptable to God but the best way and means to Obteine his mercy & blessing and favour upon a people or Country Be itt Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this present Generall Assembly and the Authority of the Same That the book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church According to the use of the Church of England together with the psalter or Psalms of David and that the morning & Evening Prayer therein Contained be Solemnly read by all and Every Minister or Curate in every Church or other place of Publick Worship within this Province And be it Enacted by the Authority aforesaid by and with the Advice & Consent aforesaid That the Church of England within this Province shall Enjoy all and Singular her Rights Priviledges & freedoms as it is now or shall be att any time hereafter Established by Law in the Kingdom of England and that his Maties Subjects of this Province shall enjoy all their Rights and Libertys according to the Laws and Statutes of the Kingdom of England in all Matters and Causes where the Laws of this Province are Silent And whereas the present Constitution of this Province being in its Infancy will not admitt of raising a Maintenance for Ministers by way of Tyths as in England and other places by time brought to perfection Be it Enacted by the Authority aforesaid by and with the Advice and Consent afores^d That for Encouragem^t of faithfull and able Ministers labouring in the Work of the Gospell to come into this Province Instead thereof a tax or Assessment of fourty pounds of Tobbo^e p poll be yearly and every Year leavied upon every Taxable person within the precincts of each respective parish wthin this Province as they are now (by an Act of Assembly of this Province made att a Generall Assembly begun and held att the City of St Marys the Tenth day of May 1692) laid out or shall hereafter be laid out and their bounds and Limitts Entred in the Record of each County Court and the Councill Book of this Province which said Tax of fourty pounds of Tobbo^e p poll shall be Collected and Gathered by the Sherriffe

of each respective County in such manner as the publick leavy of this province heretofore have been and still are Collected who shall deduct five pounds of Tobb: p Cent out of it for his Sallary and shall pay the sume remaining after such deduction to the Vestrymen of each parish now Established by Law or their Order to the minister of the parish Lawfully instituted and inducted and till that can be legally done or some other way prescribed by the appointment of his Matys Governor for the time being to such place or parish and the better to Enable the s^d Vestrymen appointed by the aforesaid Law to performe their Trust in all things by this Act reposed in them. Be it further Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid That the severall Vestrymen of the Severall Parishes within this Province be hereby Constituted and appointed in the nature of a body Corporate to the uses following (that is to say) to the Maintenance of a Minister to the building of a Church and to the use of the Parish, Viz. person Enabled and Impowered by the names of the principall Vestryman and names of the rest of his Bretheren Vestrymen of such parish to receive and take into their Custody and Possession to the uses profit and benefitt aforesaid any Lands Tenements Hereditaments money Tobbacco Goods Cattle or Chattells heretofore Given to the uses aforesaid or which hereafter shall be Given by any pious and well disposed person or persons whatsoever of what nature and kind soever they be and by what manner of way soever the same be given granted and bestowed either by Deed of Gift Executed in their life time or by their Last Will and Testament in writeing, Verball Will promise or otherwise and made Capable and Enabled by that name to sue and be sued att Law in any Action Reall, personall or mixt for or Concerning any such Lands Goods or Chattells to the uses a^d and in any Suite brought by them for any Lands Goods or Chattells detained from them unless they Recover in the suite in favour of the Church and uses aforesaid untill a Sufficient Stock or fund of money or Tobbacco in their hands to maintaine the same they shall not pay any ffees to any Office belonging to any of his Matys Courts of this province nor to any Councill Attorney or Sollicitor att Law but the Severall Courts when Desired shall Assigne them Gratis nor shall they pay any Cost of Suite to the Defendant if Cast in the s^d suite and by the same name to the uses aforesaid they are further Enabled to purchase any Lands or Tenements (without Licence of Mortmain) as also any Goods or Chattells and dispose of the same to the uses and profits a^d as fully and Amply to all intents and purposes as any Body Corporate might or could do any Law Statute usage or Custom to the Contrary notwithstanding

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- Lib. L. L. 2 And be it Enacted by the Authority aforesaid by & with the Advice and Consent aforesaid That in every parish where any minister is Instituted and inducted as afores^d such Minister shall be Principall Vestryman of the Vestry of such Parish And be it Enacted by the Authority aforesaid by and with the
- p. 129 Advice and Consent aforesaid That the Vestrymen of each respective parish within this province shall Choose their Register who shall be sworne to keep a true Register of all their Proceedings from time to time when they meet which shall be as often as their Occasions for the purpose aforesaid require and notice given them of the time and place of meeting by the Principall Vestryman and if any upon such notice given shall not appear or shew Lawfull Cause for his Absence he shall forfeitt the sume of one hundred pounds of Tobbacco to be leavyed by way of Execution upon his or their Goods & Chattells to the uses hereafter mentioned (the minister always Excepted) and the Minister of each respective Parish in this Province shall have Liberty to Elect the Parish Clerk and shall pay him one Thousand pounds of Tobbacco per Annum out of the fourty pounds of Tobbacco p poll And be it Enacted by the Authority aforesaid by and with the advice and Consent afores^d That the severall Vestrymen aforesaid within Twelve months after the publication of this Law shall provide att the Charge of the parish fair Register Book of paper or Parchment the which the said Register shall keep and therein shall Register and fairly Enter in Writeing the publication of all Marriages Births of Children Baptizms and burialls of all Sorts of persons within the Parish (negros and Mulattos Excepted) and the Christian and Sir names of every of them and the days of the months and year of their publication of Marriages Births Baptizms and burialls and of the Parents Guardians Overseers, Masters and Mistreses (for Entring any one of which the said Register shall have as a ffee the sume of Eight pounds of Tobacco) and shall shew the same to all persons reasonably
- p. 130 desiring to see the same or take a Copy or procure a Certificate thereof and shall have for searching Eight pounds of Tobbacco and for giveing a Certificate thereof Eight pounds of Tobbacco for his ffee to be leavyed by way of Execucōn upon the persons or Estates of such as shall delay or refuse payment of the same And if the Vestrymen aforesaid shall faile in provideing such a Book as afores^d within the time aforesaid they shall forfeitt the Sume of five hundred p^{ds} of Tobbacco each Vestryman (the Minister Excepted) to be Employed towards the bringing up and Educating of poor Orphans within their Severall parishes and to be recovered in the Severall and respective County Courts within this Province by Action of Debt Bill plaint or Information wherein no Essoyn Protection

or wager of Law to be Allowed and the Church wardens of each respective Parish are by this Act Impowered to sue for the same And if any Parent, Guardian, Master, Mistres or Overseer shall not within two months after such Birth Baptizme Marriage or buriall give notice to the Register of the same together with the names of the persons and time when they were married borne Baptized or buried to be Registered shall forfeitt to the use aforesaid five hundred pounds of Tobbacco to be recovered as aforesaid And if the Register shall refuse or neglect to Register the same haveing had notice Given to him as aforesaid he shall forfeitt to the same use the sume of six hundred pounds of Tobbacco to be recovered in the County Court of the same parish in mañer and forme aforesaid Provided allways that this Law nor any thing therein Contained shall not invalid the Testimony of any Entry of Births, Marriages and Burialls heretofore Entred in the Records of the County Courts by Virtue of a former Act of Assembly of this Province for the same nor of any Entry of the same by the Clerks of the severall Vestrys from the tenth day of May Anno Domini 1692 but that the same remain Good and firme Evidence as by the said Acts was Intended and are hereby repealed And be it further Enacted by the Authority afores^d by & with the Advice and Consent aforesaid That the Vestrymen of each respective parish within this Province within twelve months after the publication of this Act shall procure a Table of Marriages as is Established by the Church of England to be fairly written and sett up in their respective Churches when finished under penalty of five hundred pounds of Tobbacco each Vestryman failing thereof the minister Excepted) and shall also yearly and every year in the month of January Elect two Sober and discreet men ffreeholders of their parish to serve as Church Wardens for the Ensueing year who shall be sworne by the Chief Vestryman to performe the said Office to the best of their skill knowledge and ability as also to take the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy and each pson that shall neglect or refuse to performe his Duty or refuse to take upon himselfe the said Office shall forfeitt to the uses aforesaid the sume of one Thousand pounds of Tobbacco to be recovered as af^d And be it Enacted that the Vestrymen and Churchwardens of each parish within this Province take due Care and Caution by the best ways and means they Can to repaire and amend their Churches when and as often as need shall require And if any Vestryman happen to dye or Depart this Province or remove himselfe out of his County or parish or by any other ways or means become disabled the Vestry shall Supply his place by Electing another

Lib. L. L. 2

p. 131

p. 132

Lib. L. L. 2 by the Major part of them att the next Vestry which said Vestryman before he shall be Admitted to sitt or Act in the Vestry shall take the oaths appointed by Act of Parliament instead of the Oaths of Allegiance and Supremacy and Subscribe the Test and so shall the Church Wardens and Clerks and shall also take his Oath well and truly to Act and do such office without prejudice favour or Affection with Equall right to all persons and shall not Diminish or deteine from any Minister Legally qualified and presented, Inducted or Appointed (by his Excellency the Governo^r or otherwise) any right perquisite or benefitt given by Law And whereas this present Year of Our Lord 1696 the Vestrymen of each respective parish aforesaid will have received the fourty pounds of Tobbacco per poll, for three years for the building a Convenient Church in every parish within this province which is thought to be Sufficient for that end and purpose Be it Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid that where there is an Incumbent upon the Benefice and officiates in no other place the Vestry of the said parish shall not under Colour and pretext of finishing the said Church or keeping the same in repaire withhold or

p. 133 Deteine from the said Incumbent any part of the fourty pounds of Tobbacco p poll under any pretence w'sower Except what is by this Act before Appointed. And be it Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid That if any Minister priest or Magistrate shall Joyne in Marriage any persons Contrary to the Table of Marriages by this Act appointed to be Set up in every parish Church within this Province he or they shall forfeitt the sume of five Thousand pounds of Tobbacco and the parties so married shall pay the like sume all which said fines to be to his Sacred Maty his heires and Successors to be Employed by the Vestrymen to the bringing up and Educating of poor Orphans within their severall and respective parishes to be recovered by the said Vestrymen in the County Court of each respective county by Action of Debt Bill Plaint or Information wherein no Essoyn protection or Wager of Law to be allowed. And Lastly Be it Enacted by the Authority Advice and Consent aforesaid That one Act made att a Generall Assembly begun and held att the City of S^t Marys the tenth day of May 1692 Intituled an Act for the Service of Almighty God and the Establishment of the Protestant Religion within this Province as also one other Act made att a Sessions of Assembly begun and held att the Porte of Annapolis the eighth day of May 1695 Intituled An Additionall Act to the Act of Religion be and are hereby utterly repealed & made Void.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND,

*At a Session held at Annapolis,
September 16-October 2, 1696.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

FRANCIS NICHOLSON,
Governor.

THE UPPER HOUSE.

At a Council in a General Assembly met and held at the U. H. J.
Port of Annapolis pursuant to Prorogation the 16th day of P. 901
September in the eighth year of the Reign of our Sovereigne
Lord King William the third &c Annoq Domini 1696 being
the seventh Sessions and there continued until the 2^d day of
October following

Present

His Excellency Francis Nicholson Esq^r Captain General &c.
the honble Sir Thomas Lawrence Baronet Secretary
Col^o Nich Greenberry Col^o David Brown James Frisby Esq^r

Produced and read the following Letters and Papers which
were Ordered to be laid before the House of Burgesses for
their Perusall and Cognizance viz^t

His Majestys Royall Order in Council of the fourth of
January Anno Domini 1695 for making Void several Laws
Passed in the Assembly in Maryland

His Majestys Warrant of the 14th of March Anno 1694/5
to use the present Broad Seal till another be Ordered

His Majestys Warrant for Mason and Burleys Pardon

His Majestys Order in Council of the 25th of July Anno Dni
1695 for Dismissing the Complaint against Sir Thomas Law-
rence in Maryland.

His Majestys Order in Council of the 13th of Febuary
Anno 1695 About the Lord Baltimores Agreement for divid-
ing the fees of the Land Office

M^r Bridgmans Letters of the 24th of October Anno 1695
with a Power from the Lords of the Admiralty Inclosed for
his Excellency to constitute a Judge Register and Marshall in
Maryland

A Letter from their Excellencies the Lords Commissioners
of the 20th of April last past about the Frenches preparations
to Attack some parts of America here

A Letter from the Right honble the Lords of the Council
to his Excellency to see the Acts of Trade Executed according
to the Commissioners of the Customs Letters dated 13th of
February 1695/6

A Letter from the Commissioners of the Customs to his
Excellency of the 9th of January to see the Acts of Trade
Vigorously prosecuted

U. H. J. The Commissioners of his Majestys Customs report unto the Lords Spiritual and Temporal upon the Scotch Act &c.

The Parliaments Address to his Majesty about the Scotch Act and his Majestys Gracious Answer.

A Letter from the right Honourable the Lords of the Council to his Excellency Commanding publication to be made of the late Act of Parliament for the preventing frauds and regulating Abuses in the Plantation Trade

A Letter from the right Honourable William Blathwayt Esq^r one of the Clerks of his Ma^{tys} Honourable Privy Council of the 21st of April last past relating to the Association entered into in England together with a form inclosed fit to be made use of here Part of a Letter from the said Esq^r Blathwayt about Revenue dated first of February last

M^r Poveys Instructions touching the Revenue

A Letter from M^r Povey directed to his Excellency the Governor and Gentlemen of the Council & Assembly of Maryland dated 10 January 1695/6

One Letter more from the said M^r Povey directed to his Excellency of the 15th of Feb^r Anno 1696 relating to severalls and part of another Letter from the said M^r Povey of the 9th of May last past

Captain Hurtes Petition with a Letter and Warrant from the Commissioners for Prizes for Paying the said Hurte 10^l p Gun &c.

p. 902 Two Catalogues or Lists of Books for the several Parishes &c.

The Boston news and James Heighs information about the Privateer lately came up the Bay and 2 Letters about the same

Captain Pellews Letter and another from his Purser about his Sayling

M^r Platers Account of publick Arms &c sent in by Captain Peter Pagan

Ordered that to morrow being the 17th Instant be set Aside to be kept Holy by the General Assembly within this port for a day of publick thanksgiving for his Majestys safe deliverance and Prosperity

September 17th 1696. In the Afternoon

The Council again Sate and were Present

His Excellency Francis Nicholson Esq^r Captain General &c the hon^{ble} Sir Thomas Lawrence Baronet Secretary Col^o George Robotham Col^o Nich: Greenberry Col^o Charles Hutchins Col^o David Browne James Frisby Esq^r

Read over several References and proposalls in order to U. H. J.
be laid before the House which were approved of

It being signified from this Board to the House that the
severall Arms &c sent for out of England were now arrived
within this port therefore willed them to pitch upon some
House at present where they thought most convenient to
Lodge the same

In answer whereto the House send Captain Thomas Tasker
to acquaint his Excellency that they have agreed to Lodge the
same in Major Dorseys House for the Present therefore
prayed that the Account of the said Arms &c from Captain
Pagan sent in might be sent to the House for their perusall
which accordingly was delivered together with four Indentures
for new Burgesses elected

The honble Col^o John Addison and Thomas Brooke came
and were added

September 18th 1696 The Council again Sate and were
Present as yesterday

This Board being acquainted from the House that they had
received Indentures for the Election of four new Burgesses
and did humbly desire his Excellency would send some of his
Majestys honourable Council to swear the said members now
returned his Excellency was pleased to return for answer by
the Clerk of the Council that he understood that M^r John
Cood one of the said new members was a Priest and therefore
not qualified by Law to set in that House.

Brought from the House of Burgesses the following Mes-
sage Viz^t

By the House of Burgesses September 18th 1696.

Your Excellency having made this House acquainted by
the Clerk of the Council that Lieutenant Col^o John Cood is a
priest and therefore by Law uncapable of sitting in this
House thereupon we humbly acquaint your Excellency that we
find the said Lieutenant Col^o John Cood is a member of this
House duly Elected that he hath sate in the General Assem-
blies of this province for almost twenty years together that he
has had also several Commissions as well from the Lord Balti-
more as his present Sacred Majesty for the Executing and
Exercising both Judicial and Ministerial Offices as other his
Majestys Subjects Laymen have Accustomed to do we
humbly conceive our Selves proper Judges of our own mem-
bers and therefore have resolved that the said John Cood is
Legally qualified to sit as a member of this House

Signed p Order W Bladen Clk Assembly.

U. H. J. Order that an answer for the same be drawn up which was drawn as followeth

By his Excellency the Governor and Council &c

September 18th 1696

The Houses Message in relation to Mr John Cood was received and here read and it is admired how the House that sits by the Kings Commission can at this time a day bring
 p. 903 any President for matters in my Lord Baltimores Government considering that Irregular proceedings were the Cause and main point that over threw that Government and the House is advised to consider whether it is not against the Law of England for one in Priest or Deacons Orders to sitt as a Burgess and whether Mr John Hewett a Clergy man chose since his Majestys happy Government he was not disallowed for that reason and it being a matter of Great moment must therefore be timely considered and consulted by the Lawyers
 Signed p Order Hen Denton Clk Concil.

Ordered that all the Lawyers in Town be sent for to appear at this Board to night

Brought from the House of Burgesses by Mr Pollard Mr Sanders Major Barton and Mr Hutchins the following Message Viz^t

By the House of Burgesses September the 18th 1696

We humbly Desire your Excellency will be Pleased to send down some of his Majestys honble Council to administer the usual Oaths to the new Elected members according to our late Request to the end we may proceed to Business

Signed p Order
 W Bladen Clk Assembly

The Gentlemen of his Majestys honble Council are sent down with the foregoing answer to the former message being ordered at the same time to tender the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy and test unto all the new Elected members except Mr Cood they Return and say they had performed their message and had pursuant to Order sworn all the members except before Excepted but that the House signified they had made a Resolve not to proceed to any Business till the House was full

The Gentlemen professing the Law now in Town being summoned to appear at this Board came up accordingly viz^t

Mr Cheseldyn Mr Sollicitor General Mr Clark Mr Watkins Mr Boothby and Mr Helmsley to whom his Excellency was pleased to say that the occasion of his sending for them at this time was about a Person whom he understood was made Choice of to be a member of the House of Burgesses that was Ordained a Priest and therefore demanded their opinion whether he could be admitted to sitt as a member of the House of Burgesses telling them an Example of England in that case and another of this Province that have denied Clergymen that Priviledge and the question is further put whether a Priest can dispriest himself

The said Questions being seperately answered by the said Gentlemen who are also of opinion that no Person in holy Orders is qualified by Law to sit in the house of Commons and so by consequence not in the House of Burgesses here and that it is an indeble Character stamped upon them which cannot be taken of but by the Ordinary or Power by which the same was Conferred.

His Excellency after the Lawyers were withdrawn was pleased to demand of the Board whether they know of any thing further to be considered or proper to be done in this matter who say they do not it is therefore Ordered that a Copy of the said proposalls and opinions be drawn forth against the morning to be laid before the House for their consideration

September 19th 1696.

The Council again sate and were Present as yesterday

The foregoing Proposals and Lawyers opinions being pursuant to Order prepared were sent down to the House by Col^o Robotham and Col^o Greenberry. The messengers return and say they could not deliver their message by reason the House was adjourned

Monday September the 21st 1696 The Council again sate and were Present as on Saturday except Col^o Greenberry

The messengers on Saturday sent with the last message are Ordered to carry the same down now who return and say they delivered the same

Brought from the House of Burgesses by M^r Hutchins and Major Smallwood the following message viz^t

By the House of Burgesses September the 21st 1696

This House having carefully and maturely considered the last message and Objection made against the qualification of

U. H. J. Col^o John Cood to sit in this House as a Burgess and that we might be fully Informed in the premises have appointed our committee of Elections and Priviledges to inquire and examine into the same who have accordingly done so and made their Report thereof thereupon it was put to the Vote whether the House should concur with the said committee that the said Cood was not qualified to sit here or not and thereupon it is carried and Resolved by Majority of Voices in this House that the said Cood is qualified to sit as a member whereupon we humbly present him to have the usual Oaths administred

Signed p Order W Bladen Clk Assembly.

An Answer to the foregoing Message was Ordered to be drawn up & as follows Viz^t

By his Excellency the Governor and Council &c
September the 21st 1696.

The Message by Major Smallwood and M^r Hutchinson in relation to M^r Cood was Received and read here and this Board does conceive that the question thereabout put is not rightly answered for that it is not disputed whether he is rightly chosen but whether he is a deacon or Priest and so not qualified to sit by the Law of England an answer thereto is by this Board Possitively demanded

p Order Hen Denton Cl Council

The said message being sent down to the House came answered as follows viz^t

By the House of Burgesses September 21st 1696

This House before sending the last message in relation to Col^o Cood did examine as well of his Qualification to sit as of the dueness of his Election and it did Appear to us that he was not only duly Elected but also Legally qualified to sitt as a member of this House notwithstanding what was alledged therefore humbly pray as in our former message have prayed

Signed p Order W Bladen Clk Assembly

An Ans^r thereto was drawn up & sent as fol^s

By his Excellency the Governor and Council &c September
21st 1696.

The last message from your House touching the case of M^r Cood was Received whereby this Board does find that the

question put is not yet rightly answered viz^t Of his being a U. H. J. Priest or Deacon which if the House acknowledge as it is believed they cant otherwise in a matter so apparent to the whole Country this Board does then Wonder how they so Rashly presume to make a Vote against the known Laws of England according to the opinion of the Lawyers thereon now before them

As to the qualifications of the Person the annexed depositions will demonstrate and it is appealed to the whole House whether in his life and conversation he does not appear so haniously flagitious and wicked scarce to be parrelled in the Province whereof the House must needs be conscious and dare presume that divers of the members have (at some time or other) in his Debaucheries heard him publickly Blaspheme and it is lastly left to the consideration of the House his Factious contradictory Spirit in all manner of Business and whether he has not at this present Cost the County more Tobacco then Perhaps he is worth or ever will do them good

Signed p Order Hen Denton Cl Council

September 22^d 1696 The Council Again Sate and were p. 905
Present as yesterday

Ordered that four of the Gentlemen of his Majestys honourable Council go down to the House and Acquaint the Speaker that his attendance with all the members is required forthwith at this Board and accordingly went Col^o Hutchins Col^o Addison M^r Brooks and M^r Frisby who return and say they delivered their message and that pursuant thereto the House is coming up

Came accordingly M^r Speaker attended with the whole House to whom his Excellency is pleased to express himself as follows viz^t

M^r Speaker and you Gentlemen of the House of Burgesses I am sorry to have sent for you here upon this Occasion at this time and I cannot but remind to you that you have not dealt faithfully in your Answer to the question put in relation to M^r Cood viz^t in ascertaining whether he is a Deacon or Priest which I am Given to understand he is and therefore do wonder that the House should presume so far as to make a vote against the known Laws of England by which you have brought it to this pass that a Vote of your House must stand flat in Opposition to an Act of Parliament If I should suffer it so to go on, but Gentlemen I do acquaint you that I shall not swear that Person notwithstanding your Vote and if you will proceed to Business I am here ready with his Majestys honble Council to Attend the same

I am sorry the House should continue so stiff so many days

U. H. J. in a thing of this nature and run the country to all this charge without any thing done and to shew the House what manner of Person you have this while upholding, here are severall depositions wherein you will find down right Blasphemy in the highest Degree spoke by the said Cood and I do appeal to the whole House whether Common fame and most of your own knowledge do not remember him to be a man of a very Flagitious Life and conversation therefore if you will return to your House & consider of these things and dispatch what Business shall be laid before you I shall be ready with his Majestys honble council to attend thereon and I pray God to direct you therein.

They take leave and Repair to their House and after some short time send M^r Boothby M^r Clark M^r Hutchison and M^r Dixon with the following message viz^t

By the House of Burgesses September the 22^d 1696

This House have Seriously considered of his Excellencys speech before the honble Council and finding it Contains many Expressions of his pious and good Intentions towards us We cannot but Return our hearty thanks for the same as to the particular member mentioned we have done that which we hope will appear to be our duty and become Loyal and dutiful Subjects We are ready to Join with the honble council dispatch of the Affairs that lye before us

Signed p Order W Bladen Clk Assembly

Came from the House of Burgesses Major Dent Major Hammond and one other member who signify that they are sent to acquaint his Excellency and Honours that the House has appointed the following members viz^t Major Dent Major Hammond Major Smithson M^r Clark M^r Boothby and Major Barton a Committee of Laws for this present Sessions and that if his Excellency will please to send some of the members of his Majestys honble council to Joyn with them they will be ready to proceed to Business

Ordered that an answer to the said two messages be drawn up which was done as follows viz^t

By his Excellency the Governor and council &c September 22^d 1696

The two last Messages from your House sent have been received and as to the first his Excellency thanks God that the House has put so good an end to that dispute and is in hopes they will proceed now to such Business as may tend to the Glory of God the Kings Honour and good of the country and as to the Committee of Laws appointed this Board has accord-

ing to the request of the House sent the honble Col^o Robotham U. H. J. and Col^o Addison to join with the said Committee There is p. 906 herewith likewise sent severall Letters in answer to Letters sent for England about the Affairs of the Province together with several printed Proposals and papers and 3 different Catalogues of Bookes

September 18th 1696

The following Resolves was brought from the House viz^t

By the House of Burgesses September 18th 1696

Resolved that this House will meet Exactly at nine of the Clock every morning and sitt till four in the Afternoon

Signed p Order W Bladen Clk Assembly

Read a Letter from his Excellency the Governor of New York with two other Letters from Albany giving an Account of the news from those parts which were Ordered to be laid before the House for their Perusal

A List of the Parishes with an account of severall Books Given to the same by his Excellency together with M^r Batemans Account were in like manner Ordered to be carried down

The State of the Revenue is likewise Ordered to be laid before the House with this Remark Viz^t that the last accounts are not as yet made up but as far as at present could be Collected the Quarter part Thereof does amount to 104^l 17^s 07^d

Read again the several references and Proposals which were Ordered to be Carried down to the House and his Honour Sir Thomas Lawrence signifying that he had an Account to Give unto the House of his severall proceedings in England the said Sir Thomas with the rest of his Majestys honourable Council went down with the said Proposals Letters and Papers last and formerly here read, The Proposals follows viz^t

1 The Proposal last Assembly made for Adjusting the Indians Lands and ascertaining the Bounds thereof stands Referred to this Sessions of Assembly for a Law to be made therefore

2 His Excellencys Proposals relating to the advancement of this Port stands also referred for an Act to be drawn up for the same at the meeting of this Assembly

3 Proposed that the Sheriffs Collect this year the Gifts of the Free School & that copies of the Subscriptions with new Briefs be got ready to send to each county

4 That a Law be made for securing the Libraries that are bestowed upon the severall Parishes

U. H. J. 5 That his Majesty be addressed that some part of the Revenue given towards the furnishing the Country with Arms &c may (now the country is provided with such things) be laid out for small Books such as the Common prayer Book the whole Duty of Man and Books against Drunkenness and Swearing &c to be distributed among the Common People that are poor by Reason there are no such Books brought into the Country to be sold and therefore have no way of Getting of them

6 That an Address of thanks be returned his Majesty for being Graciously pleased to bestow a Quarter part of 1^s p hhd towards furnishing the Country with Arms and Ammunition &c and to signify that the same has been laid out and bestowed Accordingly

7 That the House give their advice how the Arms now come in are to be disposed of that they signify if they know of any thing else of that nature that is proper to be sent for

8 That care be taken to have the several Offices made and to have Tables and Chairs made where necessary and Stoves for the Clerks to write by in Winter

9 That if the Clerks write by candle light in Winter that then Lamps contrived for Candles in Winter be sent for

10 That some Books of Exercise be sent for out of the quarter part to be given to the severall Military Officers and some plain Books of Fortification

11 That the Proclamation against Exportation of corn be taken of

p. 907 12 That a Law be made to Oblige the several Counties to keep the publick Arms belonging to the several counties well fixed and in good Repair to be done at the county charge and that all Officers that have or shall have the Custody of any publick Arms or ammunition do pass three particular Receipts for the same to be transmitted one to the Provincial Office another to the Clerk of the council and the third to the clerk of the county court where such Arms are Lodged to be entered in the said Several Offices and that when any Officer (having the custody of any such publick Arms or Ammunition dies that it be provided in the Law to Oblige the next Magistrate or Justice immediately Repair to such Officers House and there Examine the said Arms by the Receipt given and so take care to secure them till further Order and in case it be found that any imbezlements have been made of any of the said Arms or Ammunition that Satisfaction be made for the same out of such deceased Officers Estate before any other debts whatsoever paid and that a clause be made that none of the said Arms or Ammunition be made use of unless in case of Rebellion or Invasion (which God forbid) under paying ten fold the Value of the Arms or Ammunition so made use of

13th That a Law be made to Oblige the master of Ships for U. H. J. to Change what publick powder is found necessary to be changed unless the same be so very bad that it is not fit to be Fired away in such case all such powder is to be sent for England to be new done

14 That the Parishes be more Equally divided and named anew and that different names be Given to the same

15 That the several Parishes find at their proper Charge three or four Books such as shall be directed to be sent for whereby they may know how to Govern themselves the Charge whereof will not amount to above 20^s or 30^s

16 Quere where the Library of Annapolis shall be put.

17 (That a Law be made) against the Librarys come in for the several Parishes to Oblige the Vestries to go view the said Libraries twice a year and three catalogues of the same be severally taken to be transmitted one to the Honourable the Secretaries Office another to the Clerk of the county court and the third to be kept by the Clerks of the Vestries to be entered in the said Several Places and where they find any Imbezzlements or Spoil made of any of the said Books unless they should happen by Fire or some other unavoidable Accidents that the ministers be Obliged to make them good out of their Incomes and that a penalty be inflicted upon all such Vestries as neglect to Visit the s^d Libraries twice a Year as aforesaid and be Obliged to pay what Imbezzlements or Spoil shall happen to such Libraries except before Excepted

18 That an Ordinance pass to Oblige the Justices of the several county courts to send for the Kings Arms to be put up in the several county courts and for a Gown for the chief Justice to wear in court to be paid for out of the Amerciaments and necessary Law Books where wanting with a penalty upon those that neglect the same

19 Quære Whether European Goods imported here and afterwards exported for Virginia ought to be Actually sold there otherwise if carried to any other place they ought not to Pay the ten p Cent duty

20 Upon reading a Letter from the right Honourable their Excellencies the Lords Justices commissioners of the 20th of April last past Giving an Account of the French's Preparations for Shipping and otherwise in Order to make an Attempt against some parts of America and taking into consideration James Highs Information here read relating to the Privateer which without Interruption came within three or four miles of Herring Bay both which Letter and Information are laid before the House this Board does therefore think fit to Represent to the House how scatteredly the Ships lye too and Again in the country whereby they are both unable to Assist one another as

U. H. J. also incapable of being assisted by the Government proposed therefore that a way be found out that they may ride together in particular Ports to be Assigned

21. His Excellency is pleased to Represent that Captain Pellew commander of the Ship Speaker having the beginning of July signified to his Excellency that he would be ready to sail the beginning of August last and after two Orders sent p. 908 to the said Captain Pelew commanding him to ascertain the utmost time that he should tarry did appoint the 20th of August however did not come down till near the last of the month his Excellency having set aside all other Business to wait his coming however considering the Assembly drew on so near by means of his long stay and that it might be for his Majestys Service to stop him till then in Order to carry the publick Pacquets and business of the Assembly for England he did therefore Accordingly stop him

22 Proposed that a Law be made Impowering the Justices of the County Courts in Case of Death or Inability of either the high Sheriff Clerk of the county court or Clerk of the Indictments for to appoint pro hac Vice, or the time being a new Sheriff a new Clerk of the County court or new Clerk of the Indictments until some further Order be Given by his Excellency for the appointing a Sheriff some further Order from the honble Sir Thomas Lawrence Baronet Secretary for Appointing a county clerk and some further Order Given from the Attorney or Sollicitor General for appointing another Clerk of the Indictments

23 A Petition of several merchants belonging to Pennsylvania about the ten p Cent duty and his Majestys Lawyers Report thereon are Ordered to be sent to the House for their Perusall

24 M^r Briscoes Account of the 4^d p Gallon being all the Accounts that is to be had is sent to the House for their Cognizance &c

25 His Excellency is pleased to Represent that he has sold the Publick Tobacco given towards the Building of the church at Annapolis at 13 p Cent which he hopes may be for the good of the Country and does propose that some care be taken and Order made about building the said Church and the Free School there being Brick maker now in Town

26 Proposed that some of the House appoint some of their members to joyn in Committee with some of his Majestys honourable Council for to inspect and view the State House work whether the same be done Substantial and every way Workmanlike according to contract

27 That the small Parishes be made bigger tho' they make Chappels of Ease

28 To find a way to make an addition to Kent Island U. H. J. Parish being very small

29 To have Church Yards to every Church with Posts and Rails about them

Signed p Order H Denton Clk Concil

September 24th 1696.

Brought from the House of Burgesses by M^r Hawkins and Captain Hill the following Answer to the proposalls laid before them viz^t To the first

1 No Complaint being made either by the English or Indians this House conceive it most safe not to meddle therewith

2 Ordered that a Law be drawn up therefore

3 The Tobacco that is subscribed is thought to be in good and secure hands and when the work is begun and the Workmen are Agreed with by the trustees of the said Free Schools then the Subscribers will be ready to pay their several Subscriptions as for the Briefs his Excellency is desired to Grant them as soon as he think fit

4 Ordered that a Law be drawn for the secure keeping of the said Librarys

5 Thought that the Country at Present is not sufficiently supplied with Arms but when is this House will be ready to join in such Address.

6 The House humbly Conceive they have several times addressed his Majesty but if his Excellency desires that a new Address be drawn this House are ready to Join therewith

7 That the said Arms be Appropriated to Ann Arundell County as also the Bayonets the Drums Trumpets and Ball to be disposed of according to his Excellencys discretion

Also his Excellency is desired to Apply what money arises out of the Quarter part of the Revenue for the purchasing of five hundred Carbines 500 Bayonetts Cartouch Boxes to the Carbines Drums Trumpets & Colours for each County

8 Referred to the Committee of Accounts to discourse p. 909
Col^o Herman therein

9 That the Several Officers provide themselves therewith

10 Assented to by the House.

11 That the said proclamation be taken of

12 } That the Committee of Laws consider a Law therefore
13 }

14 When any of the Parishes complain to the House they will be remedied therein

U. H. J. 15 Assented to by the House

16. Tis the Opinion of the House that the Commissaries Office of this province is the most proper and fitting Place to Lodge the said Library in because first we hope when the Commissary Arrives that Office will be annexed to him and secondly that being a Publick Office dayly open and attended any person desirous to study or read any of the said Books may have recourse thereunto and the use thereof but Conceive it necessary that the commissary give security for the safe keeping the said Libraries

17 Ordered that a Bill be drawn therefore

18 That an Ordinance pass to Oblige the Justices of the several Counties Courts to send for the Kings Arms out of the Amerciaments. As to the necessary Law Books there is a Law already provided for the same and as to the Gown thought it will be better Lett alone at Present till Religion and Education have better Ground in the Province

19 Referred till the Act therefore be Passed

20 Thought that to lay such an Imposition upon Shipping would be very inconvenient and prejudicial to their Trade and his Excellency is Empowered to make such Order therein as shall be necessary on occasion, thought fit to Leave the same to his Excellency to take such care therein as he shall think convenient

21 Orders already Given for Captain Pellews sayling

22 The House are of Opinion that there is no Absolute necessity at present for such a Law because that as to the Sheriff it is in the Kings Prerogative to make the same and it would be inconvenient to make any act that might in the least intrench upon the same and as to the Clerk of the County Court or Indictments the Justices are sufficiently qualified already upon such death or disability to appoint till the Secretary or Attorney General can be acquainted thereof which may be in a short time

23 Resolved the Law be continued and put in Execution

24 M^r Briscoes Account referred to the Committee of Accounts to make Report thereof

25 This House think his Excellency has very wisely disposed of the Tobacco and have appointed a Committee to go out and enquire into the said Building and what is raised to that end &c to desire two of the Council to join with them

26 The Committee of Accounts appointed to view the same and to discourse with Col^o Herman in relation to what is necessary still to be done and that they acquaint the Council therewith and desire that two of them may be Joyned with them

27 Relating to Parishes thought to be Large enough in U. H. J. regard Liberty is Given to one Minister to hold Plurarity of Benefices

28 Thought that the Law is already sufficient

29 The Law hath Already Reposed that Trust in the Vestry to make such Church Improvements as the Ability of the Parish is able to comply with

W Bladen Clk Assembly

September the 25th 1696

The foregoing Resolves were deliberately read over and Assented to by his Majestys honble Council except such as are hereafter remarked viz^t

As to the first it is Observed thereon that several Complaints have been made both from Dorchester Somersett and the Piscattoway Indians whereof several members of the House are Conscious therefore the Proposall is urged again his Excellency being pleased to signify that if any commotions or bloodshed for the future happen for want thereof his Excellency washes his hands clear of the same

3 Proposall it is Observed to the House that the Lord Bishop of London has sent over a School Master and therefore thought necessary that the School building go forward which cannot be done without the Tobacco be collected or part thereof & therefore proposed that one half if not the whole be collected this year p. 910

6 Proposall the Address proposed is thought very proper and necessary to be drawn and therefore again proposed that the same be done being a matter new and as little as can be done by the Country for to return his Majesty thanks for such a Gift

7 Proposall the request of the House therein as to sending for Arms drums Trumpets and Colours &c for every County it is not intended that the publick Arms shall be meddled with unless in Case of Insurrection or Invasion which God forbid for that the Militia are bound to fit themselves with Arms &c pursuant to the Law and the fines and forfeitures are Given towards purchasing of Drums Trumpets and Colours and his Excellency does not intend that any of the last mentioned publick things shall be Lodged any were save one of a sort with the Colonel of each County

14 Proposall it is Observed that sundry Complaints have been made already especially from Kent County therefore urged Again.

22 Proposall it is Queried whether the Justices have such Power of appointing a Clerk or Clerks of Indictments and

U. H. J. that the Lawyers be consulted therein which if Judged that they have no such Power that then such power be added to their Commissions

Proposed whether the late Act of Parliament made in Relation to Quakers Swearing will take place in this province the said Law being herewith sent for the advice of the House and Lawyers thereof and if the same be Adjudged not to take place here proposed whether the House think it necessary to make a Law in this province conformable to the said Act of Parliament for the ease of the Quakers here residing

Upon his Excellencys Representation laid before the House relating to Captain Pellew Commander of the Ship Speaker his Excellency is pleased to Offer and signify that if the House does not think fit for his Majestys Service that the said Captain Pellew be stopped for the present for the Reasons in the said Representation Expressed his Excellency will immediately Give directions for his Clearing to Go the said message was sent by the honble Col^o Robotham and Col^o Addison the which came answered from the House as follows viz^t

By the House of Burgesses September 21st 1696.

Upon his Excellencys proposall by the honble Col^o Robotham and Col^o Addison this morning sent in relating to the Clearing of Captain Humphry Pellew this House conceive that in regard there is a Fleet in the Country near upon sayling that it will not be any way prejudicial to his Majestys Service that the said Ship should be immediately Cleared

Signed p Order W Bladen Clk
Assembly

Ordered that the further Answer from this Board be given thereto which was done as follows Viz^t

By his Excellency the Governor and Council Sept^r the 21st 1696.

The Houses answer relating the proposall about Captain Pelews Sayling has been received & it being imagined that the House are not acquainted when the Fleet are to Sayl are therefore hereby Given to understand that Captain Daniel has brought the certain Intelligence from the Commodore that the Fleet will not Sail before the last of December or the beginning of January at Soonest and if the House Continues in the same mind they would do well to signify it

Signed p Order Hen. Denton Clk Concil

The same came answered thus viz^t

U. H. J.

By the House of Burgesses September 21st 1696.

As to the Clearing of Captain Pellew the House is still of the same opinion

Signed p Order W Bladen Clk Assembly.

Came from the House of Bnrghesses M^r Hutchins and M^r Jenkins who signify that they are sent from the House to present M^r Edward Blay a Burgess of Cecil County to be sworn who had Accordingly Administred unto him the Oaths of Allegiance and Supremacy as also subscribed the Test

P. 911

September the 23^d 1696

The Council Again sate and were Present as before Except Col^o Robotham & Col^o Addison who are joyned with the Committee of Laws

Ordered that it be referred to the House of Burgesses whether Captain Marshall and his Sea-men who have resided in the Country most part of a year upon building &c ought to Pay Leavies as well as other Inhabitants of the Province and whether the masters of the new Negroes imported since the first list of Taxables taken should be obliged to pay Leavies for them this year

September the 24th 1696 The Council again sate & were Present as yesterday

Produced and read a Petition preferred by several masters of Ships humbly desiring allowance of ten p^r Cent for making due entry &c Ordered that the same be referred to the House of Burgesses for their consideration with this following Remark viz^t Talke of a fair Entry Inward but say nothing of their Entry Outward.

Read also another Petition by the said masters preferred relating to rowling Tobacco the which was also Referred to the consideration of the House but was returned indorsed rejected

As to the other Petition the House concurring therewith was answered in manner following viz^t

September the 29th 1696 By his Excellency the Governor &c.

Upon reading the Houses answer to the masters of Ships petition referred relating to the ten p Cent Allowance by them Craved for making due entry &c His Excellency is

U. H. J. Pleased to signify that he cannot consent thereto for the Reason of his Majestys Royal Instruction to the contrary herewith sent but if the House can find out any other way to satisfy them this Board does Recommend it

Signed p Order Hen Denton Clk Council

One of his Majestys Royal Instructions to me And you are particularly not to Pass any Law or do any Act by Grant Settlement or otherwise whereby our Revenue may be lessened or impaired without our special Leave for it

Fr. Nicholson

M^r Gerrard Slyes petition for Publick allowance being read was referred to the House of Burgesses by Order for their Consideration the said petition and foregoing message &c where sent by the honble Col^o Greenberry and Col^o Hutchins

Came from the House of Burgesses Major Dorsey M^r Hutchinson & M^r Blay who signify that they were sent from the House to acquaint his Excellency that they were appointed a Committee to Inspect what Tobacco is Collected towards building a Church at Annapolis &c and for to make some report thereof and do desire that his Excellency would be pleased to appoint two of his Majestys honourable Council for to joyn with them therein

Ordered that the honble Sir Thomas Lawrence Baronet Secretary and Esq^r Brooks be added to the same who accordingly went and took several Papers delivered to them by his Excellency relating thereto

The Return of the said Committee came afterwards and Reported as follows viz^t

That there is in Bank for building the Church	^l 458..	^s 13..	^d 04
We have discoursed Workmen about the	}		
Church and the Carpenter demands for			
his work			
The Brick Maker	250..	00..	00
The Bricklayers having all Stuff laid upon	090..	00..	00
the Place	220..	00..	00

We find no means to Raise more money to carry on the same without the Assistance of Charitable well disposed Persons

We find by computation that the Building of the Church at Annapolis according to the modell prescribed by his Excellency will not cost less than twelve hundred Pounds Sterling His Excellency is pleased to Represent that a fair opportu-

nity offering to the Country for raising a Supply for the U. H. J. Effectual carrying on of the said Church work viz^t By imposing 3^d more upon the hhd for all Tobacco exported this Shipping does therefore propose that an Act pass for the same this Sessions considering the doing thereof will be for the use of the whole Country in Assemblys Provincial Courts p. 912 and other publick times without any Burthen to the Country nor will be thought oppressive to merchants seing the same is raised for a Pious use

Proposed likewise that 300^l be refunded by his Excellency Sir Edmond Andros to this Government may be appropriated for and towards building of the Church and Free School

His Excellency is pleased further to Represent that forasmuch as his Majestys Royal Act of Grace hath not as yet been extended to this province since his Majestys happy Accession to the Crown which its presumed several persons by Enormities some time or other committed may stand in need of does therefore propose that if the House will join with his Majesty's honourable Council for Obtaining his Majestys Gracious and General Pardon to the Inhabitants of this province his Excellency will use his utmost Interest to obtain the same

Proposed that the Rangers be furnished out of the publick Arms now arrived at prime cost to be deducted out of their wages

Proposed that seing the Country is destitute of any Fortification his Majesty be addressed to send in a Frigot to keep cruising here for security thereof

Quære whether the Acts of Parliament for receiving the Holy Sacrament does extend to this province

Proposed that the Militia of the Province be new modelled as near as may be According to the manner of England and that every hundred be Obligated to fit a Proportionable number of men with Arms and Ammunition &c to General Musters and Trainings and that such of his Majestys Council Justices of the Peace Militia Officers and Vestries as Inhabit in the several hundreds do meet at some set time and place therein to Consult and agree about the same and sending for Arms &c to be done by the going out of the Fleet and further that this may pass into an Ordinance at present until a Law pass therefore

Drawn up by Order and sent by the Clerk of this Board to the House the following Representation viz^t

U. H. J. By his Excellency the Governor and Council &c September 24th 1696

Upon reading his Majestys Royal Commission constituting George Muschamp Esq^r to be Receiver of Potomack district dated 8th of October last past wherein a Sallary of 100^l Sterl p Annum is Ordered to be allowed him for the same as by the Commission herewith sent does more at large appear and George Plater Esq^r his Majestys Receiver of Patuxent district &c being sent for the said Commission is Given unto him to read and is asked if he has not a like Commission (who after perusall thereof) does say he has Verbatim Whereupon it being represented that the Revenue of this Province for these two or three years last past has been very small Especially the last year which did not amount to above five hundred Pounds this Board thinks fit to Represent the same to the House and that they would find out a way to Pay the said two annual Sallaries of 100^l &c

September 25th 1696

The Council Again Sate and were Present except Col^o Addison & Esq^r Brooke

Brought from the House of Burgesses by Major Hammond and M^r Bosman severall Bills the following answer to the foregoing Representation being likewise sent viz^t

By the House of Burgesses September 25th 1696

The House upon his Excellencys Representation have perused his Majestys Commission to George Muschamp Esq^r for being his Majestys Receiver for the district of Potomack and upon his Excellencys Representation thereupon We are of Opinion that since his Majesty hath been pleased to Grant Commission the Gentleman thereby commissioned ought to have his Sallary paid him out of that part of his Majestys Revenue arising out of Potomack District and if not sufficient there satisfy the same then out of his Majestys Revenue arising out of Potomack and Putuxent Districk Its also humbly desired that answer be sent to the Resolves of this House yesterday sent up

Signed p Order W Bladen Clk Assembly.

p. 913 An Act for securing the Parochial Libraries of this province read first time and will pass with Amendment

 An Act for keeping good orders and rules in the Port of Annapolis read first time & will pass with Amendment

An Act for reviving the Temporary Laws of this Province U. H. J.
read and thought needless & as to the Reason why the same
should not pass a Copy of one of his Majestys Royal Instruc-
tions is ordered to be sent to the House for their Satisfaction
viz^t

One of his Majestys Royal Instructions to me

And therefore you shall not enact any Law which shall be
once enacted by you except upon very urgent occasions but
in no Case more then once without our express consent

The said Message was sent by Col^o Greenberry and Col^o
Hutchins 29th September instant

Fr Nicholson

Saturday September the 26th 1696 The Council again Sate
and were Present

His Excellency Francis Nicholson Esq^r Captain General &c.

the honble Sir Thomas Lawrence Baronet Secretary Col^o
George Robotham Col^o Nicholas Greenberry Col^o
Charles Hutchins Col^o David Browne Col^o John
Addison Thomas Brook Esq^r James Frisby Esq^r

Read a petition from several of the merchants of New York
which were Ordered to be Referred to the House of Bur-
gesses for their consideration it relating to the Ten p Cent
Act And was returned from the House Indorsed and Rejected

Upon motion made by the honble Col^o John Addison and
Thomas Brooke Esq^r that they might be permitted to go home
the said Col^o Addison urging some pressing Occasion which
required his attendance there and the said Esq^r Brooks urging
that his Servants are now in hand about building a Mill and
could not go forward therewth without his presence, Col^o
Robotham also desired the leave of this Board to retire home
in Order to the looking after two several Cargoes of Goods
which require his hast at this time

His Excellency was pleased to say that his Majestys Royal
Instructions unto him does direct that he shall not hold Coun-
cils to do any Business of consequence under the number of
five of the Gentlemen of the Council being present unless in
case of Absolute necessity therefore acquainted them that
they would do well to agree among themselves about it who
should go or stay so that five might be left and he should be
willing thereunto whereupon was Given by Consent for the
three aforementioned Gentlemen to go

U. H. J. His Honour Col^o Greenberry signified his present indisposition of Body desires Leave to retire home till Monday next

Monday September 28th 1696 The Council Again sate and were Present

His Excellency Francis Nicholson Esq^r Captain General &c.

memd Col^o Jowles came
this day most part sick &c

Sir Thomas Lawrence Baronet Secretary Col^o
the honble Nicholas Greenberry Col^o Charles Hutchins Col^o
David Browne, James Frisby Esq^r

Brought from the House of Burgesses by M^r Bozman and M^r Ferry these following Bills viz^t

An Act for the Relief of the Creditors and Legatees of Mark Cordea Late of Saint Marys County deceased read first time and this Board is of opinion that if the Attorneys on both sides have been heard in the thing and that the House is satisfied in the Legality thereof that then the bill may pass

An Act for security of the Parochial Libraries read 2^d time and Passed without Alteration Amendments being made as proposed

An Act for Speedy Justice for small debts Read Second time and Passed without Alteration

The honble Sir Thomas Lawrence Baronet Secretary Representing that he Officiated as President of the Council in the Absence of his Excellency the Governor from the 8th of May 1694 until the 26th of July following for which he craves allowance out of some part of the Revenue then Collected and it being considered that the Limitt of the said time may be about a third of what his Honour Col^o Greenberry received
p. 914 during his Executing the Presidentship viz^t 150^l sterling Ordered therefore that the said Sir Thomas Lawrence be satisfied and paid out of the 300^{ls} to be Refunded by his Excellency Sir Edmond Andros to this Government the sum of 50^{ls} sterling in Satisfaction of his Acting as president during the aforesaid time and that the House of Burgesses be acquainted therewith Answer thereto was as follows viz^t

By the House of Burgesses September 29th 1696.

This House are willing Sir Thomas Lawrence be paid 50^{ls} Sterling for Officiating as President of this province out of the 300^{ls} due to this province from Sir Edmond Andros

Signed p Order W Bladen Clk Assembly

September 29th 1696 The Council again sate and were U. H. J.
Present as yesterday

Brought from the House of Burgesses by Major Dent and
M^r Boothby the following Resolve Bills Message & Addresses
&c viz^t

By the House of Burgesses September 29th 1696

Resolved that the Trustees of the Free School or the Major
part of them do withal convenient speed meet together and
treat with the workmen and Agree upon the building pro-
portionable to the Tobacco and money that is Subscribed
which is to be collected as fast as need shall require by Order
of the said Trustees

As to the School Master the House desire his Excellency
will make him reader of some parish and that he have half
the forty p Poll if the same exceeds not ten thousand pounds
of Tobacco

W Bladen Clk Assembly

Assented to by his Excellency and his Majestys honourable
Council

H Denton Clk Assembly

An Act for the relief of the Creditors of Mark Cordea
deceased read 2^d time and it being signified that the Attorneys
on both sides have been heard in the thing and that the
House is satisfied thereabout is therefore passed by his Maj-
estys honble Council without Alteration

An Address of thanks to his Sacred Majesty for his Royal
Gift of severalls to this country being read was approved of
upon some small Alterations to be made therein

Read likewise a Congratulatory Address to his most Sacred
Majesty which was also approved of upon some small Altera-
tion to be made therein

Another Address to his Majesty about forfeited navigation
Bonds is set aside for further Consideration

Read the following message viz^t By the house of Burgesses
September 29th 1696.

This House do signify that they have caused the original
Acts for 3^d p hhd Given his Excellency during his Govern-
ment as also the Act made in May last laying a further Addi-
tional duty of 3^d p hhd on Tobacco Exported for defraying
the publick charge of this province for one year and no
longer to be inspected we have also passed our last reviving

U. H. J. Bill and find that by the same the aforesaid Bills are revived and put in force for the term of three years or until the end of the next General Assembly which we conceive hath happened through some neglect or mistake and to Remedy the same do humbly desire the said two Acts may be Repealed and drawn up a new declaring thereby the Act for the 3^d p hhd given his Excellency to be in force during his Government only according to the Originall and true Intent of this House and the last 3^d to continue and be in force until the 12th day of May which shall be in the year of our Lord God 1698 and applied to the building of the Church at Annapolis

Signed p Order W Bladen Clk assembly

Ordered that an answer to the same be drawn up which was done as follows viz^t

By his Excellency the Governor and Council &c September 29th 1696

The message relating to the Additional duty of 3^d p hhd to his Excellency was Received and here read which is answered by the message this day sent by the honble Col^o Greenberry and Col^o Hutchins to which the House is referred and to the Copie of his Majestys Royal Instruction therewith sent the House having sent no answer to the proposall about the Church. As to the proposall about the School Master it is Agreed of

Hen Denton Clk Council

p. 915 Brought from the House of Burgesses by M^r Hall and Major Swallowood the following Bills and Resolves viz^t

An Act for security of the Parochial Libraries read 2^d time and passed without Alteration

An Act for speedy Justice for small debts read 3^d time and Passed without Alteration

Read the following Resolve viz^t

By the House of Burgesses September the 29th 1696

Resolved that the Justices of the County courts upon the death or disability of the Clerk of the County or Clerk of the Indictments be hereby empowered to appoint such Clerk of the County Court or Indictments p hac Vice until further directions from the honourable the Secretary or Attorney General

p Order W Bladen Assembly

Assented to by his Excel-
lency and his Majestys honble
Council

Hen Denton Clk Council

Proposed that Mr John Bray be Gratified for his Trouble U. H. J. and pains taken about the Libraries having respect also to his Expenses therein

September the 30th 1696 The Council again Sate and were Present as yesterday

The Division of the Arms &c being read was by Order laid before the House viz^t

An Account of the Arms &c purchased out of the Quarter part of the Revenue being apportioned and divided is as follows viz^t

10 Hand Mortars one to each county on the Western Shore and one to each county on the Eastern Shore except Kent

20 Granado pouches two of each sort to the said counties

200 Granado Shells 20 a Piece to each of the said counties

600 Fusees 60 a Piece to each of the said counties

6 Brass Lanthorns 6 Compasses 6 Horse pike & 6 Powder Provers 6 Perspective Glasses 6 Drums and 6 Trumpets one of each Sort of the said things to be sent to Prince Georges Ann Arundell & Baltimore counties on the Western Shore and one of each Sort to Cecil Talbot and Somerset counties on the Eastern shore

12 Pair of Drum heads a pair to be sent to each of the said Counties

20 Saddles and Bridles &c 20 Pair of Pistolls 20 Bayonetts and Belts and 20 Cartouch Boxes to be set aside for the Rangers

80 Pair of Pistolls remaining 10 Pair whereof to be kept in Ann Arundell county and 7 Pair a Peice to be sent to each of the said counties

80 Carbines and Belts remaining 10 whereof to be kept in Ann Arundell County & seven Pair a Piece to be sent to each of the other counties

60 Cartouch Boxes and Belts Remaining 10 whereof to be kept in Ann Arundel county and five a Piece to be sent to each of the other counties

60 Bayonetts and Belts 10 whereof to be kept in Ann Arundel County and five a Piece to be sent to each of the other counties

25 Pick Axes five whereof to be kept in Ann Arundel County and two a Piece to be sent to each of the other counties

25 Mattocks 5 whereof to be kept in Ann Arundel county and two a Piece to be sent to each of other counties

U. H. J. 50 Wheel Barrow Irons 10 whereof to be kept in Ann Arundell county and 4 a Piece to be sent to each of the other counties

48 Steel Spades 8 whereof to be kept in Ann Arundell county and 4 a Piece to be sent to each of the other counties

48 Shovells 8 whereof to be kept in Ann Arundell County and 4 a Piece to be sent to each of the other counties

60 Barrels of Shot viz^t 20 of Muskett 20 of Carbine and 20 of Pistoll Bullets 2 of each sort to be sent every county except Kent

38000 Flints 3860 to be sent to each county of the Province

Ordered that all the foregoing Arms &c be Lodged with the Colonell of each respective County to which they are sent and that those Arms &c which are kept for Ann Arundell County be Lodged within the Port of Annapolis none whereof are to be meddled with or made use of upon any occasion whatsoever unless in case of Invasion or Insurrection which God forbid Kent county if in want of any of the foregoing things which they have not being so nigh this place may be Supplied from hence

p. 916 This Board has thought convenient that the said Arms &c be divided and disperced as afore Expressed by Reason his Majesty has no Fortification here and therefore think this way will conduce most to his Majestys Service

Proposed that a way shall be found for the safe Conveying of the said Arms &c to the several counties supposing convenient opportunities may now offer by some of the members of the House or Suitors of the provincial Court

Signed p Order Hen Denton Clk Council

By the House of Burgesses September 30th 1696

The within division of Arms Assented to and as to the conveying them to the several counties

Ordered that the several counties take care to send for the same

Signed p Order W Bladen Clk Assembly

September the 30th 1696 Assented to by his Excellency and his Majestys honble Council & Ordered that the said Arms &c be sent Away by the opportunity of several Boats now in the Harbour and that Major Edward Dorsey deliver out the said Arms &c pursuant to the foresaid Division and take Receipt for the same accordingly

Signed p Order Hen Denton Clk Council

Read the following resolves sent from the House Viz^t U. H. J.

By the House of Burgesses September 26th 1696

Resolved that where there is any difference concerning the Bounds of Indian Lands that the same be resurveyed and that the persons hereby Appointed do Examine the Records and see the same run out (to witt) for the Indians Lands in prince Georges County Col^o John Addison M^r William Hatton and M^r William Hutchinson

For Dorchester County Col^o George Robotham Col^o Charles Hutchins Major Thomas Smithson Major Thomas Ennals & M^r Thomas Hicks

As to the Indian Lands in Somerset County Ordered that the Order of that County Court be pursued

Assented to by the House of Burgesses
W Bladen Clk Assembly

September 30th 1696 Assented to by his Excellency and his Majestys honble Council

Hen Denton Clk Council

Brought from the House of Burgesses by Major Dent M^r Smithson & M^r Helmsley the following Message Resolves and Bills viz^t

By the House of Burgesses September 30th 1696

This House have seriously considered of the several proposals made to us by his Excellency of imposing 3^d p hhd more then what is already proposed but after all our endeavours we find that we cannot do it without Offering Violence to our consciences and Country according to the best of our Judgment and Reason and to shew our Readiness to contribute to the utmost of our Abilities to the Service of God in building a Church and free School at Annapolis we have proposed and Resolved that out of the Revenue raised for defraying the charge of the province by the 3^d p hhd one years Revenue thereof be appropriated towards building the Church at Annapolis and that out of the 300 ls sterling to be returned to this province by Sir Edmond Andros after 50[£] deducted for Sir Thomas Lawrence Sallary as President & 50[£] more thereof to be to Sir Thomas Lawrence, if the Church School Law and Coyn pass his Majestys Royal Assent the other two hundred Pounds thereof we are desirous should be Appropriated to the Free School at Annapolis but in case the said

U. H. J. Acts of Religion School and Coin do not pass we are desirous that fifty pounds also be Appropriated to the use of the Free School to which we humbly pray his Excellency and Councils Concurrence

We also humbly pray the honble Council will with us intercede to his Excellency to joyn with us in an address to his Majesty for relief of several of his Majestys Loving Subjects in this province under Penal navigation bonds which we humbly hoped for by what his Excellency was pleased to say to us at the first of this Assembly

Signed p Order W Bladen Clk Assembly

Ordered that an answer to the same be drawn up which was done as follows viz^t

p. 917 By his Excellency the Governor and Council &c September 30th 1696

The Message by M^r Dent &c was received and here read and it is remarked to the House thereon that the Proposall made for Imposing another 3^d upon the hhd was for a pious use viz^t towards building a Church at Annapolis for the use of the whole Country in Assembly and Provincial Courts and other Publick meetings tho the House has taken no notice thereof in their message His Excellency is pleased to signify that he is not so dogmatical as to imagine his own opinion therein to be infallible or endued with Eloquence enough to perswade the House against their own Inclination or to force peoples consciences Yet his Excellency is pleased together with his Majestys honourable Council to Assent what the House has proposed thereabout tho they have given no Reason for rejecting his Excellencys proposall

As to the latter part of the message about interceeding with his Excellency to join in an Address to his Majesty for relief of several of his Majestys Subjects &c under penal navigation Bonds his Excellency is pleased to say that he can do nothing therein Legally until Judgment has been Recovered thereon which done then he will at present order a Suspension of Executions issuing until his Majestys Pleasure shall be further known and that if his Majestys honourable Council and House of Burgesses shall think fit to Address his Majesty at Present his Excellency will not fail of being as good as his word in affording his Interest &c.

Signed p Order Hen Denton Clk Council

Read the following Resolves viz^t Resolves of the House of Burgesses

That the Additional duty of 3^d p hhd for defraying the U. H. J. publick Charge of this Province for one Year be applied to building the Church at Annapolis

No Address to be sent to his Majesty for a Frigott to attend this Province for security thereof

The Act of Parliament for taking the Sacrament thought to be in force only to those who think in their Consciences they are obliged to take it

The Gratification of M^r Bray rejected

The Act of Parliament relating to Quakers Testimony thought to be in force in this province

The negroes imported by Captain Elby not to pay Leavies this year Captain Marshall and his men to pay Leavies

As to the Report to be made concerning the militia the Law therefore is thought sufficient

A Standing committee appointed to inspect the Laws &c Examine the publick Accounts of Major Dent M^r Clark Major Hammond Captain Hill and Major Thomas Smith

W Bladen Clk Assembly

The foregoing Resolves are Assented to by his Excellency and his Majestys honourable Council except such as hereafter remarked by this Board viz^t

It is remarked upon the Resolve about addressing his Majesty For a Frigot &c that if in case any damage should happen which God forbid for want of one the ill consequence thereof will lye at their doors

The Gratifying M^r Bray being rejected by the House the question is asked whether the House do imagine any person will do their Business for nothing when he has and is like to be at so Considerable a charge

Two Letters from the said M^r Bray being herewith likewise sent for their Perusall

The House being of Opinion that the Law about the Militia is already sufficient his Excellency does expect that the same be complied with and therefore this Board does advise that the members of the House give notice to their Counties when they go home that they provide themselves accordingly

A Supplicatory Act about the Commissaries Office read first time and Passed without Alteration

An Act relating to Bail to be taken by the Sheriff in Action of Trespass upon the Case read and Passed without Alteration Provided his Majesty be no ways Damnified thereby about which the Lawyers are to be consulted

An Act for the better Clearing of the Roads and directing all Travellers Travelling through the Province read 2^d time and passed without Alteration

U. H. J. Read the following message sent from the House viz^t

By the House of Burgesses September 30th 1696

p. 918 This House humbly desire his Excellency to expedite the Bills and other things down to this House that an end may be put to this present Sessions which hinders all other Business at Present and that thereby the Sollicitors attending the Provincial Court may be the better accommodated for want of which they Grievously complain

Signed p Order W Bladen Clk assembly

The said Several Bills and other matters lying before this Board were accordingly sent down together with the following Proposals viz^t

Proposed that the Treasurers and Naval Officers prepare their accounts ready to be sworn to at the Passing the Laws in like nature as they did the last Assembly

October 1st 1696 The Council Again sate and were present as Yesterday

Drawn up by Order several Proposals in Order to be laid before the House viz^t

Proposed that an Ordinance pass for endeavouring to satisfy and quiet the minds of all his Majestys Loving Subjects within this province and for taking of Scandalous and milicious Reports viz^t That when his Excellency came first to this Government he found the same much indebted both in money and Tobacco and tho several Assemblies have been called since his Arrival in this Place that the same were never called but upon special Accounts viz^t for the Glory of God the Service of the King and good of the Country and that tho the Country was so much in Arrears and Indebted yet that the same now (God be thanked) this very Assembly Gott Clear and out of Debt and the Court House paid for and is hoped will be now kept so that it be signified that the money raised by the several Impositions and duties from time to time have been duly Appropriated to the uses they were so raised and that neither the Tobacco nor money has been Appropriated to his Majestys Service nor his Excellencys use but the money paid now his Excellency out of the Impositions is what his Excellency lent them and without Interest

That it is hoped in God there will be no occasion for an Assembly to sit this twelve month

Proposed that the said Ordinance be made publick in all Churches Chappels and Court Houses

Proposed that the House of Burgesses empower some person U. H. J.
or more for to make an Agreement about keeping a Publick
Ferry betwixt this port and Kent Island not exceeding the
sum of twenty thousand Pounds of Tobacco

Its reminded to the House that they have made no Answer
to the proposall about the Rangers paying for their arms &c
viz, one half this year and the other next year

Sir Thomas Lawrence does further represent that whereas
upon Perusall of the Countries Accounts allowed by the House
of Burgesses he finds 45^{ls} allowed to Col^o Blakiston for a year
and half Sallary as one of his Majestys Council who had places
of profit as well as himself he Remarks that having such a
place could be no Reason to debar him of his right of 30^{ls} p
Annum as Councillor and Consequently that the payments of
sixty pounds for his two years Sallary upon that Account when
he went into England was his Due, and not an Encouragement
for him to go into England upon the Countries Service as was
said in their Journall of Assembly in October 1694 and there-
fore does declare that he has received nothing from the Country
for all the Services he has done them notwithstanding he has
regained to the Government

Whereas it is thought a Grievance to the Country in Generall
that his Majestys honble Council are allowed 150^l Tobacco p
diem each for their attendance upon Councils &c it is therefore
proposed that they be for the future severally allowed an
Annual Sallary in money according to the Allowance made in
his Excellency Governor Copleys time

Upon reading a Bill intituled an Act for making the Town of
Doncaster &c here preferred it is observed that whereas his
Majesty hath no naval force here care must be taken and
endeavours used for to have the Ships ride together in some
convenient Ports or Harbours and not to lye so stragling

Proposed that something be Given out of the money raised
upon the Act for Furs &c unto the School Master he being
sent in by my Lord Bishop of London

Proposed that some person be Empowered to Treat about
Building of the Publick Church here According to the Draught
hereof for it is hoped that the money for the Tobacco and what p. 919
the 3^d p hhd will Amount to this year may go very nigh paying
for the Out side work and his Excellency hopes in God that
his Majestys Loving Subjects of this province Merchants and
others in the Kingdom of England will be so charitably dis-
posed to Subscribe for so much as will fully compleat the
Church and if they think Proper his Excellency will issue out
Briefs here and write to merchants and others in England
about it and the Free School to

The Account of the publick money &c Stated by the Com-
mittee of Accounts read and Approved of

U. H. J. The aforesaid severall Proposals were sent down to the House by the Clerk of this Board who returns and says he delivered it

October the 2^d 1696 The Council again sate and were Present as before

Brought from the House of Burgesses by Major Dent and several other members a Certain Instrument drawn up in relation to quieting the minds of the people together with several Resolves of the House Viz^t

To all his Majestys Loving Subjects in Maryland

Because it may be Suggested by many evil minded persons Enemies to his Majestys Government and the peace and tranquillity of his loving Subjects that the frequent Assemblies that of late have been called hath and may be a burthen to the good People of this province and that the money and Tobacco raised hath been misemployed or wasted for preservation whereof and quieting the minds of all his Majestys Loving Subjects it is hereby declared by his Excellency the Governor Council and Burgesses of this General Assembly that when his Excellency came first in this province the publick was much in Arrears to several Persons both in money and Tobacco which did necessitate in Effect the calling Assemblys, the laying some duties on merchandize to pay the publick debts rather then lay the Burthen thereof on the people together with the building a Court House which God be thanked is now near finished and quite paid for together with all other publick debts & the Country in a small time likely to have something in Bank and we do declare that the money that has been raised has been duly applyed to the uses it was raised for viz^t for & towards building the Court House and Free School House which we conceive to be for the Service of God his Majesty and good of the Country and that we hope the Country being Clear of debt and all things settled upon good foundations there will be no occasion of calling another Assembly this twelvemonth which his Excellency assures us he will not convene or call together without an Absolute necessity

Signed p Order W Bladen Clk assembly

October 2^d 1696

Assented to by his Excellency and his Majestys honourable Council if the Remarks thereon be complied with

Hen Denton Clk Council

Resolves of the House of Burgesses October 2^d 1696 U. H. J.

As to his Excellencys Proposall that care must be taken that the Ships ride together in some convenient ports and Harbours for their better security

The House desire they may be at Liberty to ride where they please for the best advantage of their Trade

As to giving something to the School Master

Thought that Sufficient Encouragement is already given him by the late Resolve of this House

As to the Proposall relating to the Church

It is left to his Excellencys discretion to employ the workmen and Act therein as he thinks fit Provided this province be at no further Charge than what they have already Assented to

As to the Ordinance or Declaration to quiet the Peoples minds ordered the same be and is drawn up

As to Sir Thomas Lawrence the House think they have sufficiently Gratified him

As to the Allowance to be made his Majestys honourable Council

The House have paid them their allowance according to Act of Assembly and refer the Proposall to next Sessions

As to the Rangers Arms &c the House have made an ordinance therefore in a former Sessions and desire the same may be pursued

Signed p Order W Bladen Clk Assembly

October 2^d 1696

Assented by his Excellency and his Majestys honourable Council except such as are hereafter remarked being drawn up by Order in the following message sent to the House viz^t p. 920

By his Excellency the Governor and Council &c October the 2^d 1696.

The several Resolves of the House together with a Certain Instrument drawn up for Endeavouring to quiet the minds of the People &c were received and here read and upon the Latter it is Observed that the same is not drawn according to the proposall omitting in the first place that part signifying that no Assemblies have been ever called by his Excellency since his Access to the Government but upon special Accounts viz^t the Glory of God the Kings Service and good of the Country and if the House is not of the same opinion his Excellency will endeavour to make it out so and shew the Reason why business has not been done in the Assemblies

U. H. J. That the money now paid his Excellency out of those Impositions is what his Excellency lent them and without Interest which said two Clauses omitted are thought very material to be put in being matter of truth otherwise that the House would give some reason to the Contrary

The proposall about the Rangers not sufficiently answered viz^t in paying for their arms &c for that it is remembred there is such an ordinance that they shall pay for their Arms but this Board wants to know what price shall be allowed for the Tobacco and that they be Obliged to pay one half this year and the other half next year

The proposall about the Ferries is not yet answered

No answer as yet to the Remark about M^r Bray

As to about the Ships riding that they may be permitted to ride where they please his Excellency can in no wise admit thereof by Reason of having no Frigot here but God willing shall Endeavour to Order them to those places where they shall be most secure and preserved from being plundered or carried away which his Excellency does suppose will be for the best Advantage of Trade

As for the Church his Excellency does hope in God to do it so as may be for the General Satisfaction

As to that of the Resolve of the House relating to Sir Thomas Lawrence he replies that as to the 50^{ls} allowed him for the presidentship he takes it to be his due and so an Act of Justice but for the other Fifty pounds he utterly refuses to Accept it upon the Condition and casualty Assigned, which is not in his power to answer for and is very sorry that the House hath so mean an opinion of him and the service he hath performed for them especially in recovering for the country three hundred pounds which they would otherwise never have had as to think he merits no better an acknowledgment

Signed p Order Hen Denton Clk Council

Three several addresses to his most Sacred Majesty being fair writt out and altered according to the Amendments proposed were well Approved of

The several Bills here preferred came fair engrossed which being carefully perused were assented to by his Majestys honourable Council

Read the following Representation and proposall sent from the House of Burgesses viz^t

October the 1st 1696

Upon proposall of William Bladen Clerk of this House that a printing press would be of Great Advantage to this

province for printing the Laws made every Sessions &c and U. H. J.
that he the said Bladen at his own proper cost and charges
would send for such press with the Appurtenances provided
his Excellency the Governor would Give him Leave to make
use of the same this House are of opinion that the same will
be of Great advantage to this Province & humbly desire his
Excellency will be pleased to Give leave to the said Bladen to
make use thereof when arrived according to his proposall

Signed p Order W Bladen Clk assembly.

October 2^d 1696

Approved of by his Excellency and Council provided he
Gives security according to his Majestys Royal Instructions to
his Excellency

Hen Denton Clk Council.

Brought from the House of Burgesses by several members p. 921
thereof the following Message together with several Resolves
in answer to the last Remarks sent them from this Board viz^t

By the House of Burgesses October the 2^d 1696

The House understand by the messengers last sent that his
Excellency is not Satisfied with our last Message under an
apprehension that his Excellency lies under imputation of
receiving the countries money because some single Persons
without reason and contrary to Truth may let fall such
Expressions

We are very sorry his Excellency should so apprehend us
and therefore to clear Ourselves and the whole Province
whom we represent we do hereby publish and declare with
one consent that at all times past we have found his Excel-
lency free from the least Tendency that way. That he hath
always treated us with Justice and Honour not considering so
much his own as our good and never either required or used
any of the Countries money but on the contrary hath several
times lent us money of his own and received nothing but the
principal again and the money that his Excellency has now
received from us is no more than what he lent us and lain a
considerable time out of and this we sincerely declare and
desire it may be Accepted of from us.

Signed p Order W Bladen Clk Assembly

Assented to by his Excellency and his Majestys honourable
Council

Hen Denton Clk Council

U. H. J. His Excellency is further pleased to Represent that as he never called an Assembly but when there was an Absolute necessity for it for the Glory of God the Kings Service and Good of the Country so neither has the Tobacco expended and allowed by those Assemblies been paid away or Gone to the use of any persons besides the Inhabitants of the country

The Resolves of the House of Burgesses read viz^t

By the House of Burgesses October 2^d 1696

The House read last Message and as to the first part thereof relating to the ordinance for quieting the minds of the people we conceive that we have Expressed our selves to the same purpose though not in the same words and from which we cannot recede

As to the Rangers Resolved that they be allowed for their Tobacco wherewith they purchase the Arms one penny p Pound but when to be paid left to his Excellency & Council

As to the Ferries we are not willing to have more than what are already and so have resolved and cannot recede

As to M^r Brays Affair we can say no more then what we have said

As to Sir Thomas Lawrence we can say no more at present than what we have said when the Good Effects of his Honours negotiation appears we doubt not but that Assembly will make their Acknowledgments for the same as shall become them

As to the Ships we have not further to say therein We cannot but with Great Grief of Heart say that if his Majestys Subjects here have not a Reasonable time allowed them to produce their Certificate or other reasonable proof for the discharge it may be the utter ruin of many good Families and we humbly beg leave to Remark that if once Judgment is obtained there will be no time to the defendant to produce his Certificate or other Legal proof for it comes to late after Judgment but if reasonable time were allowed Certificates might be produced and the Guilty distinguished from the Guiltless but if time be not allowed they must all be involved in one common Ruin without distinction of false from true traders

Signed p Order W Bladen Clk Assembly

Brought from the House of Burgesses by Col^o Herrman the following Report about the Roof of the State House viz^t

By the House of Burgesses October 2^d 1696

U. H. J.

Ordered that Major John Hammond Captain Richard Hill Mr Thomas Dixon and Captain Edward Blay go and inspect in the Roof of the new State House and make their Report to this House as to the Goodness and sufficiency thereof the said Gentlemen go out and return to the House and report that they find the same in all respects good and sufficient

Signed p Order W Bladen Clk Assembly

Ordered that two of the Gentlemen of his Majestys honourable Council go and inspect the said Roof and make their Report thereon and that afterwards they go down to the House to acquaint them that his Excellency requires their attendance at this Board to see the Laws passed &c And accordingly went the honble Col^o Hutchins and Col^o Brown who return and say that they have viewed the Roof of the State House & find it to be very substantial and good and further say that they have communicated his Excellencies Commands to the House who pursuant thereto are coming up p. 922

Mr Speaker with the House of Burgesses come up accordingly the last Resolves together with the Ordinance for quieting the minds of the people being publickly read over

Mr Robert Smith one of the members of the House of Burgesses being asked whether he knew Col^o Cood in England does say he did know Col^o Cood in England and that he was a minister at a place called penryn in England from whence he was turned out

Afterwards were presented three several Addresses fair drawn out in Order to be sent to his most Sacred Majesty two whereof were signed by his Excellency the Governor the Gentlemen of his Majestys honourable Council and the several members of the House of Burgesses the one being a congratulatory address and the other an address of thanks

The other address was signed by his Majestys honourable Council & House of Burgesses

The honble Col^o Henry Jowles Chancellor being sent for came and was added

Then were presented the several Bills fair Engrossed and Assented to by his Majestys honourable Council and House of Burgesses for his Excellencies passing the same into Laws the Titles whereof were read over as follows viz^t

A Supplicatory Act about the Commissaries Office

An Act for securing the Parochial Libraries of this province

- U. H. J. An Act for Speedy Justice for small debts
 An Act relating to Bail to be taken by the Sheriff in
 Action of Trespass
 An Act for the better Clearing of the Roads and directing
 all Travellers travelling through the province
 An Act for keeping good Rules and Orders in the Port of
 Annapolis
 A Supplementary Act to the Act for payment and Assess-
 ment of the publick Charge of this province

The said Severall Bills were passed under the Broad Seal
 of this province in presence of the whole Assembly together
 with the Act for relief of the Creditors of Mark Cordea decd
 his Excellency being pleased to express his Assent to the
 same by the following Indorsement^s made thereon viz^t

October the 2^d 1696.

On behalf of his Majesty King William the third &c I will
 these to be Laws

Fr: Nicholson

At the same Time likewise the map of the Town and port
 of Annapolis &c was sealed with the Broad Seal of the prov-
 ince and his Excellencies Seal at Arms in several places
 thereof According to the directions of the Act of Assembly in
 that case

Then was produced and Read a pardon by M^r Attorney
 and Sollicitor General prepared on behalf of George Mason
 and William Burley persons condemned for the murther of
 M^r John Payne formerly Collector of putuxent district being
 prepared by Order of his Sacred Majesty in Council which
 was signed by his Excellency in Council the Broad Seal of the
 province in presence of the whole Assembly George Mason
 one of the Criminalls being present received the said Pardon
 upon his Knees but an account was Given that Burley the
 other Criminall lay so dangerously ill that he could not
 travell

Then came Major Thomas Smithson Treasurer for the
 Eastern Shore and made Oath to his Treasurers Account

Came also Samuel Watkins Naval Officer of Patuxent dis-
 trict and Henry Denton Navall Officer of the Port of Anna-
 polis who made oath to their accounts

The Treasurer for the Western Shore and the rest of the
 Naval Officers not appearing were ordered to be summoned
 to make up their accounts before the committee for that pur-
 pose especially appointed

Afterwards his Excellency was pleased to express himself ^{U. H. J.} to Mr Speaker and the severall Members of the House to the Effect following viz^t

That he was very sensible of the difficulty he had met with in reforming the manners and Insolency of the people of this province That the making of Laws was very insignificant ^{p. 923} unless the same were put in due prosecution which hitherto seemed to be much neglected by the Magistrates there being such an apparent overflowing of vice therefore Recommended and gave strict charge to such members of the House as were Magistrates or bore Rule within any of the Places for which they were chose that they would take due care to see all the Laws put in strict prosecution especially those against Drunkenness Blasphemy prophane Swearing for fornication Adultery &c Lastly That he had considered with his Majestys honourable Council of Proroguing the Assembly until the 28th day of March next but hoped there might not be occasion of calling them together so soon which if there were not that then they should have notice thereof by Proclamation & Assembly was accordingly prorogued until the 28th day of March next

So Ended this Sessions of Assembly

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND,

*At a Session held at Annapolis,
September 16–October 2, 1696.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

FRANCIS NICHOLSON,
Governor.

THE LOWER HOUSE.

Maryland ss :

Porte of Annapolis September 16th 1696

L. H. J.
p. 105

Be it Remembered that whereas the Gen^l Assembly of this Province upon the tenth day of July last the Reigne of o^r Sovereigne Lord was Prorogued untill the 16th Instant and according to the said Prorogation there did appeare in the house the following members viz^t

Kēlm Cheseldyne Speaker of the house, Col. John Hutcheson, Col John Hynson, Major Thomas Smith
Major Edward Dorsey, M^r James Saunders, M^r Francis Tasker, M^r James Crawford, Major James Smallwood, M^r Henry Hawkins, M^r William Huchison M^r John Ashman, M^r John Ferry, Col: Ninian Beale, M^r William Hatton.

The house adjourned till 3 of the Clock to morrow afternoon.

Thursday Sept^r the 17th 1696

House mett. Appearing therein the following members, viz :

M^r Speaker, Col Hinson, Major Smith, Major Hamond, Major Dorsey, M^r Saunders, M^r Tasker, Major Smallwood M^r Hawkins, M^r Ashman, M^r Jenkins, M^r Scarborough, M^r Bosman, M^r Dixon, M^r Pollard, M^r Hooper, M^r Hicks, Col. Beale, and M^r Hatton.

House adjourns till to morrow Morning at 7 of the Clock

Friday Sept^r the 18th 1696.

House met. M^r John Hall, Col. John Cood, Cap^t Philip Hoskins, Major Walter Smith, and M^r W^m Coursey appearing in this house and by the Reporte of the Comittee of Elections & Priviledges being represented to this house as members duly Elected to serve for their severall county's of Baltemore, S^t Mary's, Charles, Calvert, and Talbott.

Message sent to his Ex^{cy} the Gov^r to acquaint him severall Gentⁿ appear in the house as Representatives for their Severall Countyes, and this house desire his Ex^{cy} will be pleased

L. H. J. to send some of his Ma^{ty}s hon^{ble} Council to administer unto them the Oaths appointed by Act of Assembly and of the Oaths of Allegiance and Test.

Mr Henry Denton Clarke of the hon^{ble} Council came downe to the house and say that his Ex^{cy} commanded him to Acquaint the house that Col: Cood one of the members desired to be sworne is a priest and therefore incapable of Sitting in the house of Assembly.

Whereupon Resolved unanimously the following Message be sent to his Ex^{cy}

p. 106

By the house of Burgesses Sept^r the 18th 1696.

Your Ex^{cy} having made this house acquainted by the Clarke of the Council that Lieut^t Col: John Cood is a Priest and therefore by law incapable of sitting in this house.

Thereupon we humbly acquaint your Ex^{cy} that we find the said Lieut. Col: Cood is a member duly elected, that he hath satt in the Generall Assemblys of this Province for almost twenty years together that he hath also had severall Comissions as well from the Lord Baltemore as his Present Sacred Ma^{ty} for the executing and exercising both Judiciall and Ministeriall offices as other his Ma^{ty}s Subjects being laymen have accustomed to doe.

We humbly conceive ourselves proper Judges of our own members.

And therefore have Resolved that the said John Cood is legally qualified to sitt as a member in this house.

Signed p Or^d W Bladen Clk: Assembly.

Col: Beall Col: Hynson, Maj^r Hamond, Major Barton, Cap^t Jenkins, M^r Saunders &c. was sent up with said Message.

House adjourned for two hours.

Post Meridiem House mett Col. Beall and the other members sent returne and say they have delivered their Message.

Resolved the following Message be sent to his Ex^{cy}

By the house of Burgesses Sept^r the 18th 1696.

We humbly desire your Ex^{cy} will be pleased to send downe some of his Ma^{ty}s hon^{ble} Council to administer the usuall Oaths to the new Elected Members according to our late request to the end we may proceed to business.

Signed p Order, W^m Bladen Clk: Assembly

Sent p Mr Pollard, Mr Hutchins, Mr Saunders and Maj^r L. H. J. Barton. Who returne and say they have delivered their Message.

Message from his Ex^{cy} the Gov^r and Councill &c by the hon^{ble} S^r Thos: Laurence Bar^t Colonel George Robotham Colonel Nicholas Greenberry Col: Cha^s Hutchins, Col: David Browne, and James Frisby Esq^r

By his Ex^{cy} the Gov^r and Councill &c Sept^r 18th 1696.

The houses Message in Relation to Mr John Cood, was received and here read, And it is admired how the house that sits by the Kings Comission can (at this tyme a day) bring any Precedents for matters done in my Lord Baltemores Government considering that irregular Proceedings was the main point that overthrew that Government.

And the house is advised for to consider [whether it is not against] the Law of England for one in [priests or deacons orders to sitt as] a Burgess, and whether Mr John [Hewett a clergyman chose] since his Ma^{ty}s happy Governm^t [he was not disallowed] for that reason, And it being a [matter of great moment] must therefore be tymely considered [and consulted by the] Lawyers.

Signed p Order, Henry Denton Clk: Councill.

S^r Thomas Laurence and the rest of the Gentlemen of his Ma^{ty}s hon^{ble} Councill, acquaint the house that they have it in comānd from his Ex^{cy} to administer the Oaths appointed by Act of Assembly instead of the Oaths of Allegiance and Supremacy to the Severall new elected members (Col. John Cood excepted) who shall subscribe the Test. p. 107

Whereupon the Gentⁿ of his Ma^{ty} hon^{ble} Councill, are requested to withdraw for a while. And it being put to the Question if the Delegates lately chosen shall be sworne, omitting Col. John Cood.

It is carried in the Affirmative.

Whereupon the afa Gen^t of his Majestys hon^{ble} Councill reenter the house and Administer the Severall Oaths to the rest of the new Elected members, Col: Cood being omitted.

His hono^r S^r Thomas Laurence acquainting the house that he was ready to give them acc^t how the Affairs of this Province now stand in England, and that the rest of his Ma^{ty}s Councill attended to hear the same.

S^r Thomas and the rest of his Ma^{ty}s Councill are desired to withdraw. After which Resolved that before the same be heard or this house will proceed to any further business the matter concerning Col: Cood:

House adjourned till 6 of a Clock to morrow morning.

L. H. J.

Saturday Sep^r the 19th 1696.

House met, And adjourned till 6 of the Clock on Munday Morning

Monday Sept^r 21, 1696.

House mett. Message from his Ex^{cy} by the hon^{ble} Colonel Robotham and Colonel Addison.

Sept 18th 1696

The Gent^m Professing the law (now in Town) being summoned to appear at this board do pursuant to order come up viz:

M^r Cheseldyn, M^r Soll^r Gen^{ll} M^r Clarke, M^r Watkins, M^r Boothby M^r Hemsley. To whom his Ex^{cy} was pleased to say that the occasion of his sending for them at this tyme was, that he understood there was a person made choice of to be a member in the house of Burgesses that was ordayned a priest, and therefore demanded their opinion whether he could be admitted to sitt as a member of the house of Burgesses, telling them of an Example of England in that case and another of this Province that have denyed Clergymen that priviledge, and the Question is further put, whether a priest can dispriest himselfe

The said Questions being seperately answered by the said Gent^a are all of opinion that no person in holy orders is qualified by law to sitt in the house of co^mons, and so by consequence, not in the house of Burgesses here, and that it is an indelible Character Stamped on them which be taken off but by the ordinary or power by which it was conferred

Henry Denton Clk Council

Put to the Question whether it shall be asked Col. Cood if he be in holy Orders, carryed by Majority of voices in the Affirmative

And thereupon the Question being asked Col. Cood he replies if ev disabled himselfe, by accepting and

Military Comission.

Ordered that the Comittee of Elections and priviledges go and make their Reporte d Col. Cood qualified to sitt as a member of this house, with power to examine persons &c.

Comittee of Elections and priviledges enter the house, and present the following Reporte in relation to Col. Cood being qualified to sitt as a member of this house.

We are informed by the averm^t of M^r Speaker and M^r L. H. J. Hatton that the said John Cood hath formerly exercised the Priests office at S^t Georges in S^t Mary's County by a considerable tyme preached to them in a Church built there for that purpose, and during that tyme administring the Sacrament of Baptisme to Infants and joyning people in Marriage which they both affirme upon their own knowledge and that the said Cood did receive for such ministeriall function the Subscriptions or Guifts of severall persons Inhabitants of the same place.

And M^r Speaker says and affirms that the said Cood several tymes affirmed and owned to him that he had holy orders and was Ordained by the Bishop of Exeter, and to the best of his Remembrance hath seen the Orders but is not positive.

We find by Information and of our own knowledge that the said Cood has for many years past received and exercised severall Judiciall and ministeriall offices in this province such as Justice of Peace, Capt., Colonel, Lieut Col: &c.

We can John Cood has been divested or degraded therefore it is debated in this Comitte
being employed and exercising such Judiciall be a discharge of such holy function, as of votes in the negative viz.

That accepting and exercising such Judiciall and Ministeriall offices doth not discharge him from such holy ffunction; so that upon the whole matter it appearing to the Comittee, that the said Cood hath received holy orders and never been divested or degraded thereof by the same Authority that conferred them, and that no person in holy Orders according to the law of England can sitt in Parliament (or consequently in Assembly) by reason of being or belong- p. 109
ing to any other Body (with Submission to the better Judgement of the house) The Major parte of this Comittee are of opinion that the said John Cood doth belong to another Body, and is not qualified to sett in this Assembly as a Burgess.

John Hammond Chairman

Put to the Question if the house do concurr with the Reporte of the Comitte in regard to Col. Cood's not being qualified to sitt as a member of the house, And carried by Majority of voices in the negative, and that the said Col Cood is legally qualified

Col: Cood offers to take all such Oaths as may be lawfully imposed upon any member of this house.

Resolved the following Message be sent to the hon^{ble} his Ma^{ty}s Councill.

L. H. J. By the House of Burgesses, Sept^r the 21st 1696.

This house have carefully and maturely considered the last message and the objection made ag^t the quallification of Col John Cood presented to this house as a Burgess, And that we might be fully informed appointed our Comitte of Elections and Priviledges to enquire and examine into the matter, and who accordingly done so and made their reporte

Whereupon the following Question in this house, Whether the house will concurr in the reporte of s^d Comitte that the said Cood was not quallified to sitt here or not, and thereupon It is carryed and resolved by Majority of voice in this house that the said Cood is quallified to sett in this house as a member,

Whereupon we humbly present him to have the usuall oaths administered

Signed p order
W Bladen Clk Assembly

Sent p Major Smallwood and M^r Hutchison who are ordered to present the said Col. Cood to be sworne.

M^r Jenkins and Cap^t Blay sent to acquaint the hon^{ble} S^r Thomas Laurence Bar^t that this house is ready to receive his Reporte.

Who returne to the house and say they have delivered their Message. The hon^{ble} S^r Thomas Laurence Bar^t Col. George Robotham, Col Charles Hutchins, Thomas Brooke Esq^r James Frisby enter the house where being admitted, His hon^r S^r Thomas Laurence gives an acc^t and acquaints the house how the Affairs of this Province had been transacted by him in England.

Then came the following Message from his Ma^{tys} hon^{ble} Councill, by the hon^{ble} John Addison and Thomas Brooke Esquire, viz.

By his Ex^{cy} the Gov^r and Councill 7^{br} 21st 1696

The Message by Major Smallwood and M^r Hutchison in relation to M^r Cood [was received and read here and] this Board does conceive that the [question thereabout put is not] rightly answered for that it is not dispu[t^d whether he is rightly] chosen but whether he is a Deacon or priest [and so not qualified to] sit by the Law of England. An answer [thereto is by this] Board [positively] demanded.

Signed p ord^r Hen: Denton Clk. Councill

The which being read, Ordered the following Message be L. H. J. sent to the hon^{ble} Councill.

By the house of Burgesses Sept^r the 21st 1696

The house before sending the last message in relation to Col: Cood did examine as well of his Qualification to Sett as of the dueness of his Election, and it did appear to us that he was not only duly elected but also legally qualified to set as a member of this house, notwithstanding what was alledged. Therefore humbly pray as in our former Message we have prayed.

Signed p ord^r W Bladen Clk: Assembly

Sent p Cap^t Hoskins and M^r Ashman who are ordered to present Col. Cood.

Coll Cood offers to depose that he is not a priest

House adjourned till to morrow morning at 7 o'clock.

Tuesday Sept^r the 22^d 1696.

House met: The hon^{ble} Col. Hutchins, Col. Addison, Tho^s Brooke Esq^r and James Frisby Esq^r come downe to the house and signifie that his Ex^{cy} requests their attendance imediately at the Councill Chamber, whereupon M^r Speaker and the rest of the members adjourned themselves to the Councill chamber to attend upon his Ex^{cy} where being admitted his Ex^{cy} was pleased to acquaint M^r Speaker and the House of Burgesses, that he was sorry to send for them upon this occasion (to witt) that they should persist to Have M^r John Cood sworne a member of their house.

That they would not suffer any vote of the [House to stand in] opposition to an Act of Parliament the King-
dom of England.

That he was s^d Coode for the af^d reason

But be better informed what a sorte of wicked and pson they had spent much tyme and run the country to so much charge in endeavouring to uphold, he delivered unto them severall depositions by which the said Cood appeared to be guilty in the highest degree of Blaspheming the holy Trinity.

After which his Ex^{cy} was pleased to tell the house, if they would proceed to do the Countrys business on which they were sent he would with his Mat^{ys} Councill attend thereon, and pray'd God to direct them.

Whereupon M^r Speaker and the rest of the members take leave and departe to the house

L. H. J. House again mett.

Moved by some of the members of this house that Col. Cood withdraw whilst the house debate concerning him.

Whereupon he withdrew

p. III The first thing taken into consideration was that parte of his Ex^{cy}'s Speech relating to Col: Cood. And it appearing to this house by a Solemne Oath taken before his Ex^{cy} by John Freeman together with an acknowledgement made yesterday by himselfe after the vote passed that he the s^d Col. Cood has been in holy Orders, confirming to this house the averm^t before made relating thereunto conteyned in the Comittees reporte

It is unanimously resolved by this house that the said Col. John Cood is not quallified to sett as a member of the house of Burgesses and is therefore dismissed

And as delivered accusing the said Cood
ssions this house has delivered at Law to
such uses as the Law directs

As to the other parte of his Ex^{cys} Speech requireing the house to joyne with the Councill in expediting the business lying before them, for his Ma^{tys} and y^r Country's Service, this house do readily concurr therewith, with unfeyned and hearty thanks for his Ex^{cy} good Intentions towards us.

Resolved the following message be sent to his Ex^{cy} and his Ma^{ts} hon^{ble} Councill.

By the House of Burgesses Sept^r the 22^d 1696.

This house have seriously considered of his Ex^{cys} Speech before the hon^{ble} Councill and finding that it conteyns many expressions of his pious and good Intentions towards us we cannot but returne our hearty thanks for the same. As to the particular member mencōned We have done that which we hope will appeare to be our duty, and become loyall and dutifull Subjects.

We are ready to joyne with the hon^{ble} Councill in dispatch of the affairs that lye before us.

Signed p or^d W. Bladen Clk: Assembly.

Sent p M^r Clarke, M^r Dixon, M^r Boothby and M^r Hutchison.

Col: Cood enters the house. The vote of the house is read to him, he thanks the house and departs

Ordered, That M^r Speaker send his Warr^t to the hon^{ble} his Ma^{tys} Secretary of this province willing him to issue his Ma^{tys} writt of Election for one Delegate in St Mary's County in the Room and stead of Col. John Cood.

Appointed of the Committee of Accompts.

L. H. J.

Mr Tasker, Major Mason, Major Smith, Mr Pollard & Major
Thompson. of the Committee of Laws

Major Dent
and

Mr Hutchison Mr Clarke Mr Boothby

Put to the Question if the house consent that two of his
Matys hon^{ble} Councill be joyned with the Committee of Laws
and carryed in the Affirmative. Ordered that Major Dent
acquaint his Matys hon^{ble} Councill therewith, Message from
his Matys hon^{ble} Councill by the hon^{ble} Sr Thomas Laurence
Bar^t &c.

By his Ex^{cy} the Gov^r and Councill 7^b 22^d 1696.

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The two last Messages from your house sent have been
received and here read, And as to the first his Ex^{cy} thanks
God the house has put so good an end to that Dispute And is
in hopes they will now proceed to do such things as may tend
to the glory of God, the Kings honour and the good of the
Country.

As to the Committee of Laws appointed this Board has
according to the request of the house sent the hon^{ble} Col:
Robotham and Col: Addison to joyne with the said Committee.

There is herewith likewise sent severall Letters in answer to
Letters sent for England about the affairs of the province
together with several printed papers & proposalls and three
severall Catalogues of Books.

Signed p order Hen: Denton Clk: Council.

Mr Henry Denton Clk: of his Matys hon^{ble} Councill Presents
the State of the public Revenue of this Province as it now
stands for the Inspection and view of the house

House adjourned till 9 of the Clock to morrow morning

Wednesday Sept^r the 23^d 1696

House met. Ordered that the Committee of Accompts
inspect into the Publiq Revenue of this Province and make
reporte to this house how the said Revenue does stand and
that they have power to send for persons to appear as they
thinke fit before them, and examine them, that this house may
have more certain information therein.

Resolved that the Act for the recovery of small Debts a
Capias ad Satisfaciendum be awarded ag^t the Body of the
Debtor

L. H. J. The house adjourned for one hour.

House met again

And the following Proposals being layd before the house and recommended to the Consideration thereof Debated and Resolved thereon as followeth.

First That the Indians lands be adjusted according to reference

Made last Sessions.

Ordered that where there is any dispute concerning the Bounds of the Indians Lands: that the persons hereafter named do examine and search all records relating thereto and see the same resurveyed, Viz. for Prince Georges County, Colonel John Addison, M^r Willm Hatton and M^r Willm Hutchison. For Somerset County, the Ord^r of that County Court to be pursued in Relation thereto: For Dorchester County, the hon^{ble} Col. Geo: Robotham, Col. Charles Hutchins, Col. Thomas Smithson, Major Tho^s Ennalls, and Major Tho^s Hicks.

2^d That a Law be drawne for the ad^mt of the Porte of Annapolis.

p. 113 3^d Proposed that [the sheriffs collect this year] the Gifts to the Free schools [and that copies of the] Subscriptions with new Briefs be [got ready to send to each] County

The tob^o to be in good hand and when the Workemen agreed with by the Trustees and the s^d Freeholders then the Subscribers will be ready, to pay their Subscriptions. As for Briefs his Ex^{cy} is desired to grant them.

4th That a Law be made for securing the Librarys that are bestowed upon the Severall Parishes.

Ordered that a Bill be prepared therefore.

5th That his Ma^{ty} be adsst that some parte of the Revenue given towards the furnishing the Country with Arms &c. (now the Country is provided of such things) be layd out for small books, such as the Comon Prayer book, Whole duty of Man, and Book ag^t Drunkenness and Swearing and to be distributed among the Comon Sorte of people that are poor, by reason there is no such Books brought into the Country to be sold and therefore have no way of getting them.

Thought that the Country is not sufficiently supplied with Arms &c but when it is this house will be ready to joyne in such address.

6th That an address of thanks be returned to his Ma^{ty} for being graciously pleased to bestow a quarter Parte of the 12^d p^p h^h^d towards furnishing the Country with Arms and Ammunition &c. and to sygnifye that the same has been layd out accordingly.

Resolved an Address be prepared.

7th That [the House give their advice] how the arms now L. H. J. come in [are to be disposed of] that they signifye if they know of any [thing else of that] nature that is proper to be sent for.

Appropriated to Ann Arundell County

And would be pleased to apply what money hereafter shall rise out of the Quarter parte of the Revenue for buying 500 Carabines, 500 Bionetts, two trumpets for each County and two Drums, Catouch Boxes to the Carabines and Colours for each county.

8th That care be taken to have the severall offices made and to have tables and chairs made (where necessary) and stoves for the clarkes to write by in the Winter.

Referred to the Comittee of Acc^{ts} to discourse Col Herman thereon.

9th That if the Clarkes write by Candle light, that lamps or candle sticks (contrived for candles to burne in Water) be sent for.

That the severall officers provide themselves therewith.

10th That some Books of Exercise be sent for out of the Quarter Parte of the Publiq Révenue to be given to the severall Military officers and some plaine books of Fortifications.

Assented to by the house

11th That the Proclamation ag^t Exportation of Corne be P. 114 taken off:

Assented to by the house

12th That a law be made to oblige the severall Counties to keep the Publique [arms belonging to] their Respective Countys well fixed and in [good repair at] the County charge.

And that [all officers that] have the Custody of any [publick arms or ammunition do] pass three particular [receipts for the same] to be transmitted, one to the Provincial Court one other to the Clarke of the Councill and the third [to the clerk of the] County Court where such arms are lodged [to be entered in] the s^d severall offices and that when any offices having the custody of any such Publiq Arms or Amūnition dyes, that it be provided in the law to oblige the next magistrate or Justice of the Peace imediately to repair to such officers house and there examine the said Arms by the Receipt given, and to take care to secure untill further orders.

And in case it be found that any imbezillm^t hath been made of any such arms or amūnition that then Satisfaction be made for the same out of such deceased officers Estate before any other Debts whatsoever paid, and that a clause be made that

L. H. J. none of the s^d Arms or Amunition be made use of unless in case of rebellion or Invasion (which God forbid) under penalty of paying tenfold the value of such Arms and Amunition so made use of.

13th That a Law be made to oblige the masters of Shippes for to change what publiq powd^r is found necessary to be changed, unless the same be so very bad that it cannot be fired away in which case all such pow^d is to be sent for England, to be new done.

The said Proposals referred to the Committee of Laws to consider of a Law therefore.

14th That th[e parishes be more equa]lly divided and named anew and that [different names be given to] them.

When any to this house they will be reimrd for the same.

15th That the [several parishes] find at their proper charge three or four [books such as] shall be directed to be sent for, whereby they [may know how] to govern themselves, the charge whereof will not amount to above twenty or thirty shillings.

Thought that the severall vestrys will provide therefore.

House adjourned till 9 a Clock to morrow morning

Thursday Sep^r the 24th 1696.

The house met: and proceeded further to Debate and Resolve upon the Proposals yesterday layed before them, Viz:

p. 115 16th Where the Library's for Annapolis shall be put.

Thought the Comissary's Office of this Province the most proper and fitting place to lodge the said Library in, because first we hope that when the Comissary arrives that office will be annexed to him, and Secondly that being a public office daily open and attended any person desirous to study or read any of the s^d Books may have recourse thereunto and the use thereof. But we conceive it necessary that the Comisary give security for the keeping of the s^d Library.

17th That a Law be made to secure the severall parishes Librarys when they come in. Resolved a Bill be drawn according to Proposal.

18th That an Ordinance [pass to oblige] the Justices of the sev'all County Co^rs to [send for the Kings arms to be] put up in their Several County [courts and for a gown for] the chief Justice to wear in Court to [be paid for out of the] amercia-ments and necessary Law Books wanting with [a penalty] upon those that neglect the same.

It is the opinion of the house that as to the Kings Arms, It

is necessary an ordinance be drawn enjoying the Justices to L. H. J. send for the same out of the Amerciam^{ts}

As to the necessary Law Books there is a Law already made Sufficiently providing therefore.

As to the Gowne we conceive it may be better let alone at present till Religion and Education hath better Ground in the Province.

19th Whether European Goods exported out of this Province to Virginia and from thence to any other place should not pay the 10 p Cent According to Act of Assembly

This house conceive that the Act of Assembly explaining the Act for imposing the 10 p cent do sufficiently answer this Quere by Saying if the goods are exported out of Virginia to any other place except this Province the duty of 10 p cent shall be paid. And to prevent fraud therein It is provided by the said Act that before the said Goods are exported out of this Province the Exporter shall make oath that it is with intent to sell them there, and is likewise to give Bond that they shall be there disposed of and not exported. And we know not how to make better Provision then the Act provides.

20th That some care be taken to oblige the Shipping of this province to ride at certain places for their own defence

This house to lay such an Imposition upon shipping Prejudicall to their Trade, and being empowered to make such order therein as the thinke it convenient to leave the same to his Ex^{cy} to take such order therein as he shall thinke convenient &c.

21st Upon the Petition of the Pensilvania Merch^{ts}

p. 116

Thought in the law for 10 p cent be continued and put in Execution.

22^d M^r Thomas Briscoe's acc^t of the 4^d p Gall: referred to the house

Resolved the Co^mittee of Acc^{ts} inspect the same and make their reporte to this house.

23^d That his Ex^{cy} is pleased to represent that he has sold the publique Tob^o given towards building the church at Annapolis for 13^d p cent which he hopes may be for the good of the county, and proposes that some care be taken and order made about building the s^d church and the Free School there being a Brickmaker now in Town.

Resolved that his Ex^{cy} has wisely disposed of the same for which the thanks of this house ought to be returned, as for the building.

Resolved a Co^mittee be appointed to inquire into them matters what moⁿy the worke will amount to and what parte thereof is gathered or like to be gathered, what Dimensions

L. H. J. may be properest for the same and which most requisite to be done.

24th That the Severall Chappels be made bigger though they make Chappels of Ease.

Thought the Law already made is Sufficient and that it is one and the same thing since liberty is given to one minister to hold Plurallity of Benefices.

Ordered That the Votes and Resolves of this house upon his Ex^{cy} Proposals be sent up to the hon^{ble} Councill.

Resolved by this house that Cap^t Edw^d Blay, M^t W^m Hutchison and Major be a Comittee appointed to inspect and eady raised towards building the church and that Proposals or Probability the how much the building is likely to amount to and the Dimensions the same ought to be.

House adjourned for halfe an houre

Post Merediem. House met again.

M^r Charles Carroll Soll^r for his Lordp^s the R^t hon^{ble} the Lord Baron of Baltimore Lord Proprietary of this Province appears in the house and acquaints them, that whereas the house had formerly desired to know [by] what power his Lordp^s Agent Col: Henry Darnall granted lands and that then the s^d Colonel Henry Darnell's Comission being interwoven with other things he could not shew the same, but since having received a Seperate Comission therefore The said M^r Carroll produced the same, and it was read in the house, and Ordered to be recorded in the Secretarys office.

House adjourned till 9 of the Clock to morrow morning

Fryday Sep^t the 25th 1696.

p. 117 House met

George Plater Esq^r his Ma^{ty}s Attorney Generall and Collector of Puttuxent District appears in the house and produces Severall Letters by him writt to his Ex^{cy} S^r Edmond Andross his Maj^{ty}s Gov^r of Virginia, and answers from the said S^r Edmond in relation to the publique Revenue of this Province by him taken when he assumed this Government.

The said M^r Plater reads Severall Orders and Instructions from the hon^{ble} his Ma^{ty} Com^{rs} of the Customs to his Ex^{cy} concerning Trade and forfeited Bonds, As likewise the Address of the Parliament in Relation to an Act for erecting in Scotland, His Maj^{ty}s Gracious acceptance act of the Parliament of England made thereupon.

A Bill for Roads and Ferry's read the first tyme.

L. H. J.

The said Bill being seriously Debated

Resolved that, that parte relating to the Ferry's be rejected.

A Bill for Speedy Justice and Recovery of small Debts, read the first tyme and passed.

A Bill for securing of the Parochiall librarys of this Province, read the first tyme and passed.

A Bill for reviving the temporary laws of this Province, read the first tyme. Resolved the said Bill pass with Amendments.

A Bill for keeping good Orders and Rules in the porte of Annapolis

Read the first tyme and Comitted for Amendments.

Then read his Ma^{ty}s Comission to M^r George Muschampe to be receiver Gen^l of Potomack and pocomaucke Districts as also his Ex^{cy}s Representation thereupon as followeth

By his Excellency the Gov^r and Councill Sept^r 24th 1696.

Upon reading his Majesty's Royall Comission constituting George Musechampe Esq^r to be receiver of Potomack District, dated in October last past, wherein a Sallary of 100^l Sterling p Annum is ordered to be allowed him for the same as by the comission herewith sent does more at large appear, and George Plater Esq^r his Ma^{ty}s receiver Gen^l of Patuxent District &c. being sent for the said Comission is given him to read and it is asked if he has not a like Comission, who after p^rusall thereof does say he has verbatim. Whereupon it being represented that the Revenue of this Province, these two or three years last past has been very [small especially the last year] which did not amount to [above five hundred pounds, this Board thinks] fitt to represent the same to the house that they may find out a way to pay the said two small Sallary's of one hundred pounds &c

Signed p Ord^r Hen: Denton Clk: Councill

Thought that the same doth not come before the house, but since that his Ex^{cy} has required their Advice; this house are of opinion that the s^d Musechamps Sallary ought to be paid him out of his Ma^{ty}s parte of the Revenue and if not Sufficient in Potomack then at patuxent and pocomaucke Districts. Sent to his Ex^{cy} and his Ma^{ty} hon^{ble} Councill by Major Hammond and M^r Sanders, who returne and say they have delivered their message.

House adjourns till 9 a Clock tomorrow morning.

L. H. J.

Saturday Sept^r the 26th 1696.

House met. A Bill for securing the Parochiall librarys of this Province read the second tyme.

A Bill for keeping good Rules and orders in the Porte of Annapolis, read the second tyme.

House adjourned for an hour.

Post Merediem. House met.

The petition of M^r Gerrard Vanswearingen and M^r James Patterson Trustees of the Estate of Marke Cordea dec^d read. And M^r Rob^t Carvile being admitted into the house and heard to the said petition,

Ordered, that the Bill for the relief of the Cred^{ts} and Legatees of Marke Cordea deceased be layed before the house.

A Bill for annexing Wye and Miles River, Kent Island and severall creeks to the porte of William Stadt read and passed.

The House adjourned till Munday morning at 9 of a Clocke

Munday Sept^r 28th 1696.

The house met and Resolved upon his Ex^{cy} Proposall, that a law be drawn the Comissarys office to the clergy of this Province.

A Bill relateing to Bayle to be taken by the Sherriffs in Actions of tresspass upon the case, read the first tyme & comitted.

A Bill for security of the Parochiall librarys of this Province, read the third tyme and passed.

A Bill for reliefe of the Cred^{ts} and Legatees of Marke Cordea, read the first tyme and passed nemine contradicente.

The two last Bills with the Bill for Speedy Justice and the Reviving Bill sent to his Ma^{ty}s Hon^{ble} Councill by M^r Bosman and M^r Ferry.

Major Edw^d Dorsey presents the following reporte from the Committee appointed to inspect into the proposalls about building the Church and free schole, Viz:

By the Comittee Reported that there is in Banck for building the Church at Annapolis 458^l sterl: We have discoursed Workemen and the Carpenter demands for his work 250^l The

Bricklayer having all Stuffle upon the place 220^l The Bricker- L. H. J.
maker 90^l We find no other means to raise mony therefore
without the assistance of some charitable disposed persons, we
also find that the charge of building the said Church will not
amount to less then 1200^l Sterling.

Edward Dorsey.

The Committee of Accompts Produce their Journall which is p. 119
read, and well approved of by the house.

House Adjourned for an houre.

Post Merediem. House met. And a Lre. from his Ex^{cy} to
S^r Edmond Andross and a warr^t to George Plater Esq^r his
Ma^{ty}s receiver Gen^l to demand 300^l Sterl. of the Publique
Revenue taken by the s^d S^r Edmond when he assumed this
Governm^t Read, approved and signed by M^r Speaker on
behalfe of the house of Burgesses.

Colonel Beall enters the house.

M^r Charles Carroll of Councill for his Lordp: the L^d Prop^{ty}
being called into the house and heard concerning the Bill for
the Reliefe of the Legatees and Cred^{ts} of Marke Cordea
deceased and Severall Authorities produced, the said Bill is
assented to, nemine Contradicente.

House adjourned till 9 of a Clock to morrow morning

The House met. And it having been recomended that
they would lay an Additionall Duty of 6^d p^r hh^d on tob^o
exported.

Resolved that the following Message be sent to his Ex^{cy}
and his Ma^{ty}s hon^{ble} Councill.

By the house of Burgesses Sept^r the 29th 1696.

This house do humbly sygnifye that they have caused the
originall Act for 3^d an hh^d given his Ex^{cy} during his Governm^t
as also the Act made in May last, laying a further additionall
duty of 3^d p^r hogshead on tob^o exported for defraying the
publique charge of this province for one year and no longer
to be inspected. We have also passed our last Reviving
Bill and find that by the same the af^d Bills are renewed and
put in force for the Terme of three years or untill the end of
the next Generall Assembly which we conceive hath hap-
pened through some mistake or neglect, and to remedy the
same humbly desire the said two Acts may be repealed and
drawn [up anew declaring] thereby the Act for 3^d p^r hh^d
given his Ex^{cy} and in force during his Government only accord-

L. H. J. ing to the Originall [and true] Intent of the house, and the last three pence to continue and be in force untill the 12th day of May which shall be in the year of our Lord God 1698, and apply'd to the building of the Church at Annapolis.

Signed p Ord^r W. Bladen Clk: Assembly.

Sent p Major Dent The Bill for keeping good Rules and Orders in the porte of Annapolis.

A Petitionary Bill about the Comissarys Office read the first tyme and passed.

Then Came to the house the hon^{ble} Colonel Hutchins and Colonel Greenberry and bringe downe from his Ex^{cy} one of his Ma^{ty}s Royall Instructions to his Ex^{cy} which is as followeth.

p. 120 And you are particularly not to pass any law or any Act by Grant, Settlem^t or otherwise whereby our Revenue may be lessened or impaired without our Speciall leave or Comand for it.

Fr. Nicholson.

House Adjourned for two hours.

Post Merediem, House met.

A Bill for securing the Parochiall Librarys assented to by the house

A Bill for Speedy Recovery of Small Debts, assented to by the house.

The above Bills sent to his Ma^{ty}s hon^{ble} Councill with 3 Addresses by M^r John Hall.

The petition of Severall Merch^s of New Yorke read.

Put to the Question if the Inhabitants of New Yorke shall not pay the 10 p cent duty as well as those of Pensilvania, And carryed in the affirmative, that they shall pay the same.

A petitionary Bill about the Comissary's Office, read the second tyme and comitted.

House adjourned till 9 of the Clock to morrow morning.

Wednesday Sept^r 30th 1696.

A Petitionary Bill about the Comissary's office, read the third tyme, and put to the Question if the s^d Bill shall pass, and carryed in the Affirmative.

A Bill relating to Bayle to be taken by the Sherriffe in Actions of trespass upon the Case, read and passed.

It being recommended that some Encouragement be given M^r Gaddes the Schole Mast^r sent in by his Lords^p the Bishop of London.

The house desire his Ex^{cy} will appoint him to read prayers L. H. J.
in some Parish where no minister is Collated and that he may
receive a Sallary therefore out of the 40^l of tob^o p poll, not
exceeding 10000^l tob^o p Annu^r Sent to his Excellency.

A Bill for Marking of Roades, read the third tyme and
passed.

Put to the question and Resolved by Majority of voices
that the additional duty of 3^d p hh^d for defraying the publique
charge of this province be for one year apply'd to the bnilding
of the church at Annapolis.

Put to the question and Resolved that 200^l of the 300^l pub-
lique Revenue in S^r Edmond Andros hands be given to the
use of free schools in this province, and fifty pounds of the
said mony to S^r Thomas Lawrence when he procures the Act
for coyns to pass.

Resolved the following Message be sent to his Ex^{cy} and
his Maj^{ty}s hon^{ble} Councill.

By the house of Burgesses Sep^t the 30th 1696.

This house have Seriously considered of the Severall pro-
posalls made to us by his Ex^{cy} for granting three pence p hh^d
more then what is already allowed, and after all our endeav-
ours we find we cannot do it without offering violence to our
own Consciences and country, and desire that it may not be ill p. 121
resented in us; for we are and always shall be ready to do
any thing we can for the Service of our God, King and
Country, according to the best of our Judgm^{ts} and reason,
and to shew our readiness to contribute to the utmost of our
Ability's to the Service of God in building a church and Free
schole at Annapolis. We have proposed and Resolved that
out of the Revenue raised for defraying the charge of this
Province by the 3^d p hh^d one years Revenue thereof be appro-
priated towards building the Church at Annapolis. And that
out of the 300^l Sterl: to be returned to this Province by his
Ex^{cy} S^r Edm^d Andros after the 50^l deducted for S^r Thomas
Laurence his Sallary as President &c. 50^l more to the s^d S^r
Tho^s Laurence if the church, schole law and Coyns pass his
Maj^{ty}s royall Assent. The other 200^l we are desirous should
be appropriated to the free school at Annapolis; but in case
the said act of Religion Schole and Coyns do not pass. We
are desirous that, that 50^l also be appropriated to the use of
the Free Schole to which we humbly pray his Ex^{cy} & Coun-
cill's concurence.

We also humbly Pray the hon^{ble} Councill will with us inter-
ceed to his Ex^{cy} to joyne with us in an Address to his Ma^{ty} for
reliefe of Severall of his Ma^{ty}s loving Subjects in this province

L. H. J. under penall navigacōn Bonds which we humbly hope for by what his Ex^{cy} was pleased to say to us at the beginning of this Sessions of Assembly,

Signed p Order, W Bladen Clk: Assembly.

Sent p Major Dent, with severall other papers and Bills.
House Adjourned for an hour.

Post Merediem. House met.

Message from his Ma^{tys} hon^{ble} Councill by the hon^{ble} Col: Nicholas Greenberry, and James Frisby Esquire who bring down the Bills this day sent up.

By his Ex^{cy} the Gov^r and Councill Sept^r 30th 1696.

The Message by Major Dent was received and here read, and it is remarked that the house thinke that the Proposall made for imposing another 3^d on the hh^d was for a pious use, viz: for building a church at Annapolis for the vse of the whole Country in Assemblys and Provinciall Courts, and other publique Meetings. His Ex^{cy} is pleased to Signifye that he is not dogmaticall as to imagine his own opinion therein to be infallible or endued with Eloquence enough to persuade the house ag^t their own Inclinations or to force peoples consciencies, Yet his Ex^{cy} is pleased together with his Ma^{tys} hon^{ble} Councill to assent to what the house has Proposed thereabout, though they have given no reason ag^t his Ex^{cys} s^d Proposall.

p. 122 As to the latter parte of the Message about interceding with his Ex^{cy} to joyne in an address to his Ma^{tys} for Reliefe of Severall of his Ma^{tys} Subjects under penall Navigacōn Bonds His Ex^{cy} is pleased to say that he can do nothing threain legally, untill Judgments have been recovered thereon, which done then he will at present ord^r a Suspension of Executions issuing, untill his Ma^{tys} pleasure shall be further knowne.

And that if his Ma^{tys} hon^{ble} Councill and house of Burgeses shall thinke fitt to address his Ma^{ty} at Present, his Ex^{cy} will not faile of being as good as his word in affording his Interest &c.

Signed p order, Hen: Denton, Clk. Councill.

A Bill relating to Bayle to be taken by the Sherriffe in Actions of tresspass upon the case, read 2^d tyme.

House Adjourned till 6 of a Clock to morrow morning.

Thursday October the 1st 1696. House met.

L. H. J.

And it being Proposed that an Ordinance be drawn up to Quiet the Minds of the people.

Resolved that such Ordinance be drawn up.

And it being proposed from his Ex^{cy} that care be taken for to have the Shipp^s ride together for their better defence and Security. The house conceive they may be at liberty to ride where they please for the advantage of their Trade.

The House adjourned till 6 of a Clock to morrow morning.

Friday Octob: the 2^d 1696. House met.

The Petition of divers the Inhabitants of this province, relating to Navigacōn Bonds, read and sent up to his Ex^{cy} with the following Indorsement.

This house humbly pray his Ex^{cy} that he will allow the Pet^{rs} reasonable tyme about two years to procure certificates in discharge of their Bonds if they can and in regard they were thought sufficient security at the first in their Bonds, that therefore their owne psonnall security may be now accepted on without holding them to Bayle.

And we humbly pray your Excellency to interceed to his Ma^{ty} to extend his mercy and goodness to the petitioners, without which many of his Maj^{ty}s loving Subjects their wives and families will be utterly ruined and impoverished without any fault or crime in themselves.

Major Dent and severall other members sent up to his Ex^{cy} with the following Ordinance viz:

To all his Maj^{ty}s loving Subjects in Maryland

Because it may be suggested by many evil minded persons enemys to his Ma^{ty}s Government and the peace and tranquility of his loving Subjects that the frequent Assembly's that of late have been called hath and may be a burthen to the good people of this Province, and that the money and tob^o raised hath been misemployed or wasted, for prevention whereof & quieting the minds of all his Ma^{ty}s loving Subjects, It is hereby declared by his Ex^{cy} the Gov^r Councill and the house of Bur-
gesses of this Gen^l Assembly, That when his Ex^{cy} came first
in this province the publique was much in arrears to Severall
persons both in mony and Tob^o which did moderate in effect
the calling Assemblys the laying some dutys upon Merchant
dize to pay the publique debts rather than lay the tax then

L. H. J. thereof on the people together with the building a court house, which now God be thanked is near finished and quite paid for, together with all the publique Debts, and the Country in a small tyme likely to have something in Bancke. And we do declare that the mony that has been raised has been duly applyed to the uses it was raised for viz: for and towards building the Court house, church and Free Schole, which we conceive to be for the Service of God his Ma^{ty} and good of the Country. And that we hope the Country being clear of Debt and all things settled upon good foundations there will be no occasion of calling another Assembly this twelve months; which his Ex^{cy} assures us he will not convene nor call together, without an absolute necessity.

Signed p Ord^r W Bladen Clk. Assembly.

Major Dent and the rest of the members returne and say they have Delivered their Message, And that his Ex^{cy} recomends that in the said Ordinance it be incerted that his Ex^{cy} never call any Assemblys but upon Absolute occasion, nor ever make use of the Countys mony, but that the mony that is now paid is what he lent the Country without any Interest.

Resolved the following Message be sent to his Ex^{cy}

By the house of Burgesses Octob: the 2^d 1696.

The house understand by the Messengers last sent, that his Ex^{cy} is not Satisfied with our last Message, under an apprehension that his Ex^{cy} lyes under an ill Imputation of receiving the Countrys mony, because some idle persons without reason and contrary to truth may have lett fall such expressions.

We are sorry his Ex^{cy} should so apprehend us, and therefore to clear ourselves to the whole Province whome we represent. We do hereby publish and declare with one Consent that at all tymes we have found his Ex^{cy} free from the least tendency that way. That he has always treated us with justice and honour, not considering so much his own as our good, and never either required or used any of the Countrys mony, but on the Contrary hath several tymes lent us mony of his owne, and received nothing but the principle again, and the money that his Ex^{cy} has now received from us is no more then what he has Lent us and layne a considerable tyme out of.

And this we Sincerely declare and desire it may be accepted of from us.

Signed p order W. Bladen Clk: of Assembly.

Sent by Major Dent &c. Who returns to the house and says his Ex^{cy} requires their Attendance at the Councill Chamber in Order to Conclude this P^rsent Sessions. L. H. J.
p. 124

Whereupon M^r Speaker with the rest of the members adjourned the house for an hour and go up to the Councill Chamber to attend his Ex^{cy} And M^r Speaker Presents to his Ex^{cy} the following Bills, Viz:

A Bill relating to the Comissary's Office.

A Bill for securing the Parochiall Library's.

A Bill for Speedy Justice for small Debts.

A Bill for keeping good Rules and Orders in the Porte of Annapolis.

A Bill for marking and clearing of Roades.

A Bill relating to Bayle to be taken by the Sherriffes in Actions of tresspass upon the Case.

A Bill for Relief of the Cred^{rs} and Legatees of Marke Cordea deceased &c.

A Bill for Assessing the Publique Levy.

To which his Ex^{cy} on his Ma^{ty}s behalfe was pleased to assent, and the same were Sealed with the Broad Seale of this Province.

After which the Severall addresses voted this Sessions being Signed by his Ex^{cy} his Ma^{ty}s hon^{ble} Councill and the severall members of this house, His Ex^{cy} thus bespoake M^r Speaker and the rest of the members, viz:

That he was sorry that he had found so much difficulty in reclayming the Insolencyes of severall persons in this province; that the making of good lawes was altogether ineffectuall unless they were duly put in Execution. Therefore since most parte of the house were Magistrates in their Severall Countys he Straitly charged them to put in Execution all the good lawes ag^t Sabbath breaking, Prophane Cursing and Swearing, Adultery and fornication &c.

Then his Ex^{cy} Prorogued them untill the 23^d of March next, Nevertheless he hoped there would be no occasion of their meeting so soon.

W. Bladen Clk: Assembly.

Examined by me,

Tho: Laurence Secretary.

Lib. L. L. 2 An Act for keeping good Rules & Orders in the Porte of Annapolis.

For the better ordering and regulateing the Inhabitants of Annapolis as well in seating and building the same as otherwise

p. 134 Be itt Enacted by the Kings most Excellent Māty by and with the Advice and Consent of this present Gen^l Assembly and the Authority of the same That the severall persons in this Act mentioned and their Successors shall and are hereby Impowered and Authorized to be Comissioners and Trustees for the well Ordering and regulating and propagateing the said Porte of Annapolis as well to the building and inhabiting the same as to the peaceable & quiett liveing and resideing therein as also restreine and prevent all disorders and disturbances and also all inconveniencys & Annoyances with the Town and Porte aforesaid by any Trades or Employments or Callings that may Cause Annoyance or inconvenience to the Inhabitants that is to say Viz: His Ex^{cy} Francis Nicholson Esq^r the Hon^{ble} S^r Thomas Lawrence The Hon^{ble} Nicholas Greenberry Esq^r the Hon^{ble} Thomas Tench Esq^r Major John Hamond, Major Edward Dorsey, M^r James Sanders and Capt. Richard Hill or any five of them who are by this Act Constituted Authorized & incorporated into a Body Corporate in Deed and in name by the name of the Comissioners and Trustees for the Porte and Town of Annapolis to sue and be sued to Answer unto and be Answered in any Court of Record within this Province touching or Concerning any Lands Tenements or hereditaments Goods Chattells Debts dues or Demands Accrueing or being the right or growing due to or from the said Comissioners and Trustees of the said Porte and Town of Annapolis and Appurtenances in Right of the said

p. 135 Town and Porte and not otherwise to which end they are hereby Impowered and required to meet together within the said Porte and Town att such Convenient place and time as to them shall seem meet and Convenient and to perpetuate the succession of such Comissioners and Trustees

Be itt Enacted by the Authority aforesaid by and with the Advice and Consent afores^d That when and as often as any one of the Comissioners and Trustees shall dye or depart the County or Province so as he Cannot Execute the Trust and Authority in this Act reposed one other fitt and suitable person Actually Liveing Inhabiting and resideing in the Town being a freeman of the same and such as is Capable either by Land or Estate to serve as a Burgess according to the qualifications Expressed in the Act of Assembly in such Case made and Provided shall be Chosen in the Room of such absent or deceased Member by the Majority of Voices of the ffreemen

and inhabitants of the said Porte and Town att such time and place within the same by the Com̄issioners and Trustees as aforesaid shall be appointed for that purpose of which time and place publick notice shall be given by the said Com̄issioners and for the Incouragement of the Inhabitants of the Town and Porte aforesaid and to enable them to keep stocks of Cattle horses or sheep or such like necessary Creatures for their necessary use.

Be it Likewise Enacted That it shall & may be Lawfull to and for the said Com̄issioners or Trustees to Purchase any Quantity or Quantities of Land next adjacent to the Town and for Town Common and to Satisfye and pay for the same with Tobbacco or money that now is or hereafter shall be raised for any Lott or Lotts of Land taken up in the said Town or by any other money or Tobbacco by the free Gift of any person or otherwise Accrueing to the use of the said Town or any other Lawfull ways or means whatsoever so that the same be no wise Burthensome or a Charge to the publick and in Case the Owners of any such Land be incapable of makeing Sale thereof by any manner of Disability or incapacity whatsoever or willfully refuseing the same being Offered the full Reall Value thereof then and in such Cases it shall and may be Lawfull to and for the said Com̄issioners and Trustees to Cause a Jury of freeholders next adjacent to be Impanelled and Sworne to Value the said Land according to the directions and Appointment of a former Act of Assembly of this Province Intituled An Act for settling Assemblys and Provinciall Courts and Erecting a Court house of Ann Arundell Town in Ann Arundell County for purchasing and Valueing the Town Land and pasture within the same which Act also shall be Rules and directions to the said Com̄issioners and Trustees for purchasing Valueing and paying for the said Town Common which said Com̄on upon their performing the severall requisites in the former Law directed shall Create and make a Good sure and Absolute Estate of Inheritance in fee simple to the said Com̄issioners and Trustees and their Successors forever to the onely proper use benefitt and behoof of the said Town and Town people for a Town and to no other use whatsoever and the better to Enable the said Com̄issioners and Trustees to purchase and pay for the same Be it Likewise Enacted That all person or persons holding any Lott or Lotts of Land or that shall hereafter take up or hold any in the Town aforesaid shall for every Lott of Land he holds or shall hould in the Town aforesaid pay to the Com̄issioners and Trustees afores^d towards the purchasing the Town Com̄on aforesaid the proportionable Part of the Value or Purchase of the said Town Common proportionable to the

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Lib. L. L. 2 Quantity of Land such person or persons holds in the said Town and shall thereby have Right Comonage upon the s^d Town Comon and not otherwise and upon refusall of any person or persons to pay such his proportionable part towards the purchase of the Town Comon aforesaid being tendred to him and Demanded of him as af^d it shall be att the liberty of any other person to pay such proportionable part so refused and shall thereby have that Right of Comonage And whereas there is a Certain quantity of Land in the said Porte and Town laid out and Assigned for Wharfage and building of Keys and Wharfs and Warehouses thereon it is hereby Enacted & declared by the Authority aforesaid That if the Owners of the Land next adjacent thereunto shall Omitt neglect or refuse to build such necessary Wharfs or Keys or Warehouses thereon for the propagating of Trade as aforesaid in Eighteen month from the publication of this Act it shall be Lawfull to and for any other person or persons to take up the same Land Assigned for Wharfs Keys and Warehouses aforesaid and upon such person or persons building a substantial Twenty foot square Brick Warehouse upon every fourty foot Square of the said Land shall invest such person or persons with a good and sure Estate of Inheritance in ffee simple of in and to every such fourty foot square of Land upon which

p. 138 such Warehouse shall be built as aforesaid and for the better Conveniency of the Trade of the said Town his Excellency Francis Nicholson Esq^r present Governo^r of this Province hath Caused four rowling Roads to be marked and Cleared for the Rowling or Transporting Tobacco or Goods by Land that is to say one Road between Patuxent River and South River beginning att the mouth of a great Branch Called Stocketts Run and running from thence about North East and by East five miles six furlongs and sixteen poles to a Creek in South River Called Beards Creek in South River aforesaid the other Road begins att a Cove in a Creek Called Baldwyns Creek in South River and runs thence about North East one mile one furlong or Eighteen pole to the head of Ship Creek in Seavern River the other Road beginning att Seavern River below Eagle Nest Bay and runs to the Northward of the North East one mile one furlong and Twenty five pole to a Creek in Magatee River Called Clarks Creek the other Road begins by the said Magattee River side above the mouth of a Cove Called Woods Pasture Cove and runs thence ab^t East north East one mile six furlong and thirty pole to a Creek in Patapsco River Called Rock Creek Be it therefore Enacted by the Authority aforesaid That the said Roads and every of them shall be Constantly kept Cleared and Grubbed as other publick Roads by the directions and appointment of the

Justices of the County Courts in which the said Roads lye nor shall the same be Blacked up or turned by any person whatsoever under the penaltys of this or any other Law Provided to the Contrary, And it shall and may be Lawfull to the Comissioners and Justices aforesaid to purchase of any person or persons one acre of Land att each end of every the said Rowling Roads for the building of a warehouse therein for the putting and secureing the Tobbacco or other Goods as aforesaid or upon refusall or in Capacity of the Owners to sell the same the said Comissioners and Trustees may Cause the same to be Valued in mañer and forme as aforesaid for Valuing of the Town Land and Common which said acre of Land att each End of every of the said Roads shall be to the use of the said Town for building of publick Warehouses upon if they please for the Comon use and profit of the said Town for ever but if the Comiss^{rs} and Trustees of the said Town shall not build Warehouses thereon in Eighteen months after the laying out of the same then it shall and may be Lawfull for any other person or persons to take up the said Lotts or either of them and build Warehouses thereon but not to Inhabitt or Dwell which person or persons so takeing up such Lott or lotts and building a good Substantiall Twenty foot Square brick Warehouse upon each Lott within Eighteen months after the takeing up the said Lotts together with his Entring the same with the Clerk of the Town and paying the Value sett upon the Lotts as aforesaid shall make to such or persons a good Estate of Inheritance in ffee simple to such Acre or Acres of Land as af^d to the use of building Warehouses thereon and to no other use or purpose whatsoever and whereas his s^d Excell^{cy} the Governo^r hath requested to have a Certain parcell of Land in the publick pasture according to the Demencons thereof mentioned and layd down in the Platt of the Town for planting or makeing a Garden Vineard or Somerhouse or other use Be it therefore Enacted by the Authority aforesaid That it shall and may be Lawfull for the said Comissioners and Trustees to lay out and allott to his Excellency the said parcell of Land of the said Town Pasture which shall be to his Ex^{cy} and his heires and Assignes forever in ffee simple the said Com^{rs} keeping a Record of the bounds thereof And for the Ascertaineing of the bounds and Limitts of the s^d Town Pasture and Common and the Severall Lotts & Dividends in the same Contained be it Enacted by the Authority aforesaid by and with the Advice and Consent afores^d that the Dementions Bounds and Courses thereof shall att all times hereafter be adjudged held taken and reputed according to the Mapp and Platt thereof being drawn up and presented by Richard Beard Gentleman by order and Direc

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Lib. L. L. 2 tions of his Excellency Carefully Examined and Sealed with the Great Seale of the Province att the four sides thereof and upon the backside thereof Sealed with his Excellencys Seale att Arms on a red Cross with red Tape and remaining in the Secretarys Office or to be hung up in the Court house and Whereas part of the Town Land belonging to the right Hon^{ble} Charles Lord Baron of Baltemore to whom Application hath been made to bestow the same upon the Town Gratis which if his Lordship shall be pleased so to do least any person or persons whose Lotts may happen to be within the same should thereby Claim or pretend an Impunity against the payment of the Charge Assessed to each Lott according

p. 141 to the Value thereof for other Lotts Be it Enacted by the Authority aforesaid that the same Land shall notwithstanding be Valued as the other Town Land and each respective person pay his proportionable part to the Comissioners & Trustees for the use of the Town And further the said Comissioners or Trustees or the Major part of them or not less then the number of three att least are hereby Authorized and Impowered to hear & Determine all or any Action Suite or Difference ariseing between the Townsmen or freemen of the said Town for any thing accruing in the Town not Exceeding the sume of five pounds sterling or one Thousand pounds of Tobbacco or the Value thereof in other goods or merchandizes and to award Judgement and Execution thereon and to that purpose to make and Constitute such and soe many Officers as shall be requisite for the houlding of a Court of Judicature such as Clerk Cryer Attorneys or Sollicitors the Sherriffe of Ann Arundell County being allways obliged to Attend them and to settle and mark such reasonable ffes and allowances to them not Exceeding halfe the ffes allowed to the Officers of County Courts and to punish all misdemeanors and breaches of the peace not Extending to life or member Comited or done wthin the said Town and to Impose any fine or fines either upon the officers or Suitors to the said Court for any neglect or Contempt of the Authority of the said Court or otherwise and the same to Execute not Exceeding the sume of Twenty shillings sterl or two hundred pounds of Tobbacco in any such fine to be to the use of the said Town and the said Comissioners and Trustees aforesaid are likewise hereby Impowered to make such Orders from time to time as need shall require and to make such by Laws Rules and order for the good Government and regulateing the

p. 142 Inhabitants of the said Town not being dissonant but as near as may be Consonant and agreeable to the good Laws of England and this Province And it is hereby Declared That his Ex^{cy} Francis Nicholson Esq^r present Governor of this Prov-

ince & the Members of his Matys most hon^{ble} Councill and Lib. L. L. 2
the sev^rall Burgesses of this present Generall Assembly and
every other person and persons haveing a Lott of Land in
the Town & resideing there or a Trade in the Town pasture
shall be deemed and Taken as freeman of the Town aforesaid
and no others Saveing that all Merchants, Masters, Mates
Guñers Carpenters and Boatswains that make this Porte their
Constant Porte of Trade by Two Voyages or att least shall
have and enjoy the priviledge of ffreemen dureing their resi-
dence or resideing att the Porte aforesaid and for Encouragem^t
of all Sorts of Tradsmen or men of Calling to come and
inhabitt in the Town aforesaid Be it Enacted by the Authority
aforesaid That when any Baker Brewer Tanner Dyer or any
such Tradsmen That by the practice of their Trade may any
ways anoy or disquiett the neighbours or Inhabitants of the
Town it shall and may be Lawfull for the Com^{rs} and Trustees
aforesaid to allott and appoint to such Tradsmen such part or
parcell of Land out of the present Town pasture as to the said
Comissioners shall seem meet and Convenient for the Exer-
cise of such Trade a sufficient Distance from the said Town
as may not be annoyance thereto not Exceeding the quantity
of one Lott or Acre of Land to any one Tradsmen as afore- p. 143
said and provided the same Trade & Lotts of Land for that
use may be as near together and Contiguous as the nature of
the Trade will allow of without hindering or annoying one
another which said appointment and parcell of Land aforesaid
allotted by the Comissioners and Trustees aforesaid shall be
to such persons Tradesmen and their heires forever and to
the maintenance of such Trade and not otherwise and upon
their failing to use such Trade by the space of Eighteen months
every such or parcell of Land that was allotted for the same
shall revert Back to the use of the Town to be disposed of by
the Comissioners and Trustees aforesaid And be it Enacted
by the Authority af^d by and with the Advice and Consent
aforesaid That it shall & may be Lawfull to and for the said
Comissioners and Trustees to make Erect and Constitute a
markett to be held once every week and a faire once every
Year to be held att such place in the said Town and att such
days in the week and time of the year as to the said Commiss^{rs}
and Trustees shall seem meet and Convenient for the Vend-
ing selling buying and purchasing all or any Sorte of Lawfull
Goodds Chattells Wares or Merchandizes whatsoever with such
Rules and Orders for holding the same as to the said Comis-
sioners and Trustees aforesaid shall seem Expedient and that
all persons that shall have occasion to Come and shall Come
to such fairs or Marketts dureing the holding of such
faire or Markett shall not be Subject to any arrest nor

Lib. L. L. 2 be arrested by any Officer whatsoever dureing such persons
 Continuance in the said faire or Markett Except in Cases of
 p. 144 Treason Murther or felony but in all other Cases dureing his
 or their Continuance in the said Markett or faire and Comeing
 to and going from the same shall be saved and kept harmless
 by the Tenor of this Act And be it further Enacted by the
 Authority aforesaid that all those Deeds obligations writeings
 and Evidences made by and between his Excellency Francis
 Nicholson Esq^r Cap^t Generall and Governo^r of this Province
 of the one part and Anthony Workman of Kent Island in the
 County of Talbott of the other part and William ffreeman
 Bricklayer of Philadelphia in Pensilvania of the other part
 Concerning a lott of Land in the said Town and building a
 house thereon to the use of the said Anthony Workman
 dureing his naturall life and after his Decease to the use of
 the free schoole of this Town forever bearing Date the Eighth
 day of June Anō Domini 1696 and Ordered to be recorded in
 the Journall of the Governo^r and Councill and the house of
 Burgesses of this Generall Assembly be of absolute and full
 force and available in Law to the uses therein Expressed
 according to the true Intent and meaning thereof any defect
 in form or want of form in the same notwithstanding

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND.

*At a Session held at Annapolis,
May 26—June 11, 1697.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

FRANCIS NICHOLSON,
Governor.

THE UPPER HOUSE.

Maryland Ss^t

U. H. J.
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At a Councill in a Generall Assembly met and held at the Port of Annapolis (pursuant to Prorogation) the 26th Day of May in the ninth year of the Reign of our Sovereign Lord King William the Third &ca Annoq Dñi 1697 and by virtue of his Excellency's Proclamation and Order Bearing date the nineteenth day of February last past, being the eighth Sessions and there continued until the 11th day of June after

Present

His Excellency Francis Nicholson Esq^r Captain General &ca.

Sir Thomas Lawrence Baronet, Secretary Col. Henry Jowles Col. Nicholas Greenberry.

It being signified that the House was met and Sat pursuant to the above Prorogation it is considered that the first thing they go upon be to view the publick buildings &ca. within this Port in order to give their opinion thereabout whether the same be substantial and Workmanlike and that the several Articles of Agreement Bill of Scantlings for the Church the Justices of the Provincial Court and Grand Juries opinion upon all the said Buildings, &ca. and all other papers relating thereunto laid before them for their better Satisfaction the which was accordingly done and sent by the Clerk of this Board who returnes and says he has delivered the same.

Thursday, May the 27th 1697 The Council again Sate and were Present

His Excellency Francis Nicholson Esq^r Captain General &c^a

Sir Thomas Lawrence Baronet Secretary Col. Henry Jowles
Col. Nicholas Greenberry Col. Charles Hutchins

Came from the House of Burgesses Mr. James Crauford and Major Walter Smith who signify that they were sent from the House to acquaint his Excellency that the House are sitting and desire to know the Cause of this their Appearance, who are told that something shall be sent presently

U. H. J. They present by Order of the House Mr. John Low a new member elected for St Maries County to be sworn who had accordingly administered unto him the oaths appointed by Act of Parliament to be taken instead of the oaths of Allegiance and Supremacy and also subscribed to the Test

The opinion of the House in relation to the publick Building was returned as follows viz^t

May the 27th 1697

The House of Delegates do Concur with the Justices of the provinciall Court and Grand Jury that the same is Good Substantial Rough work and that they approve thereof

W Bladen Clk Delegates.

1 Taken into consideration several proposalls to be laid before the House his Excellency being pleased to say that the chief Reasons for calling the Assembly at this time was in the matter about the noise of the Indians and in particular the Piscattoway Indians lately deserting their Fort and withdrawing themselves into another Government which it is Imagined to proceed chiefly from a murther lately committed at the Eastern Branch of potomack upon the Body of a certain negro Boy belonging to one Mr Stoddert against whom it is believed they had some Grudge upon the Account of Trade proposed therefore that the same be laid before the House for their consideration Recommending some law to be made for preventing like future evils and that some measures may be taken as to the present circumstance of Affairs

2 Proposed that the militia of the province be modelled anew it being deemed impossible that the present Act in force about the same should be complied with by means of the poverty of the People It is therefore Recommended that some new Act be made whereby every four or five Taxables may be Obligated to find a Trooper Dragoon or Footman (according as it shall be Agreed upon with necessary Arms.

This Board do consider that the Countries Credit is much under valued and impaired chiefly occasioned by means of the Sheriffs not punctually complying the publick dues &^c for redress whereof it is proposed that 2, 3 or more substantial persons be appointed in every County who will undertake to bring all Tobacco to 2 or 3 Certain places in the said Counties and they to be continued to execute the office of Sheriff for six or seven years together.

Complaints coming from all Parts that the publick Credit is quite lost and in a particular Instance now of Captain Holland whose Account is herewith sent for the Houses Advice to be Given therein

4 Proposed that a law be made to Impower his Excellency ^{U. H. J.} upon case of the Death or Removal of any of the Justices &^{ca} for to constitute others under his hand and seal to save the charge of Issuing new commissions to the Counties upon such Accidents

5 That a law be made to lessen the commissioners Expences in attending their County Courts the present Allowance being complained of and found to be burthensom (particularly by complaint thereof Received from Somerset County) and that the number of Justices in each County be lessened if thought Convenient

6 Proposed that a law be made for securing all Letters brought in and Carried out by all Masters of Ships a Great Prejudice being found to the Inhabitants through negligence & Miscarriage thereof that the letters brought in may be delivered to the severall Collectors &^c and that M^r Perry the publick post be obliged to call upon such Officers for the dispatch of such Letters according to the several directions

7 That a law be made to Confirm the Titles to the land whereon Churches and Chappels are built and to enable the Vestries where they shall see Occasion to build Churches or Chappels to purchase lands therefore

The honourable Thomas Tench Esq^r came and was added.

The foregoing several proposalls being read were by Order drawn forth and laid before the House accordingly and came answered as follows viz^t

1 Resolved that as to the first relating to the Indians that the same be Referred till Major William Barton appear in the House

2 Resolved that his Excellencys proposalls relateing to the Act for better regulating the militia be referred till Major William Barton appear in the House thereof and make report of it be Convenient that at present a Law should be drawn therefore

3 Leave given to Bring in a Bill for redress of the publick Credit

4 Resolved that his Excellencies Proposall relating to the Appointing a Justice of the Peace by warrant under his hand and Seal be referred to the Committee of laws to make Report thereof to this House whether such law shall be enacted

5 That the County Commissioners expences are already well settled

6 Leave Given to bring in a Bill to prevent the abuse of Intercepting and Imbezzling Peoples Letters

7 Leave Given to bring in a Bill therefore

U. H. J. Several other proposalls being considered of by this Board are Ordered to be fair drawn forth against the morning in order to be laid before the House

May the 28th 1697. The Council again sate and were present

His Excellency Francis Nicholson Esq^r Captain General &^{ca}
Sir Thomas Lawrence Baronett Secretary, Thomas Tench Esq^r
Col^o Henry Jowles Col^o Nicholas Greenberry Col^o Charles
Hutchins Col^o John Courts

Brought from the House of Delegates by Captain Hill and nine other members the following Message viz.

By the House of Delegates May the 28th 1697

That we may not err in our dutiful Respects to your Excellency, yet maintain our own Rights and priviledges as the representative Body of this province first we being informed by our Committee of laws that their Clerk is taken into Custody by the Sheriff of Ann Arundell County by a Precept from your Excellency and his Majestys honourable Council for what Reason we know not which we humbly Conceive to be a great Breach of the Priviledges of this House.

^{2^{dly}} We humbly desire your Excellency and the honourable Council will please to signify to us the Reasons of such his Commitment

Signed p Order

W Bladen Clk Delegates

p. 926. The messengers return acquainted that this Board were not sensible of any Employment William Taylard Clerk had from the House neither did he himself Intimate the least thing thereabout but they are told that the Cause of his Commitment proceeded from a Complaint made by the honourable his Majestys Secretary of this province for the said Taylards detaining in his Custody a Book of Fees belonging to the Secretarys Office notwithstanding he the said Taylard had taken an Oath formerly before his Excellency in Council that he had delivered up all Publick Books Papers &c into that Office therefore does suppose that the House will not go about to protect a person charged with such a crime but see him severely prosecuted Requiring the Messengers to make the like Report Accordingly to the House

Produced a certain paper of Proposals yesterday considered U. H. J.
of and According to the Order of this Board fair writt out
which were read as follows viz.

1 A Certain Paper of Grievances sent from the Grand Jury of Somerset County Court is Recommended down to the House for their Consideration

2 Proposed that Inquiry be made in the House whether Col^o Talbot did ever Reimburse the Country his Imprisonment Fees.

3. That there be some law made to prevent Seamen negroes & Servants &c. from running away to other Governm^{ts} & to Consider also therein a former proposall ab^t Runaway debtors &c. and that if in case the house cannot agree about makeing such a Law at present That then they lay the same before the R^t hon^{ble} the Lords of the Councill for trade & fforreigne plantacōns desireing their Lord^{pps} would please to lay the same before his Ma^{ty} in Council whereby his ma^{ty} may be induced to send some generall Ord^r to the severall adjacent Governm^{ts} for redressing the said Evills

Original
Journal.
p. 5

4. That a law be made to lay an Imposicōn vpon all manner of wooden ware & ffish brought from New England & other adjacent places as also vpon Sugar & mallassoos imported by strangers

5. That a law about Constables takeing lists of taxables be better regulated

6. That a law be made for every person to ascertain the bounds of their land to prevent Law suites

7. That some Representacōn be layd before the R^t hon^{ble} the Lords &c. desireing some end might be put to the dispute about the Divisionall line & bounds betwixt this province and pensilvania and that Maj^r Whittington be sent for to give what account he is able to the house

8. That the house would Inquire amongst themselves the reasons that obstructed the generallity of the Shipps this yeare and in particuler the shipps left behind the ffleet from getting ready to sayle sooner proposed that if a way can be found out whereby they may for the future receive quicker dispatch in their buisines: Some Council proceedings & papers about the same being herewith sent for the approbacōn & opinion of the house thereon

9. That a law be made to appoynt auditors &c. pursuant to a former proposall

10. That a former proposall about haveing the Lawes digested into better Language by some able Lawyer in England be Considered anew and is again recomended from the board

Original
Journal.

11. That a law be made to settle & confirm the severall offices place of Judicature & other Conveniencies formerly proposed to be made & done in & about the State house and that a clause therein be incerted to oblige the severall Collectors Navall officers & their deputies &c. to bring all their list of shipping Certificates bonds Cocquets & all other papers relating to their respective offices to be delivered vp vpon
p. 6 oath once every yeare in order to be securely lodged in one of the roomes in the said State house and that a clause be also incerted about the Church

12. That the ditch be veiued & some care taken about the building the two Triangular houses & draw bridge &c.

13. That the Levy be proporced this Sessions & that the Country have Credit for the Rangers Armes &c. and Supernumary Tithables the accounts whereof are herewith sent

14. That a former proposall for a market & fare to be held in towne here & priviledging people from arrests on those dayes is also againe recomended

15. That a former proposall about issueing for the Comissions in Chancery be Considered anew and is againe Recomended from this board

16. That his Ma^{ty} be Addressed that some part of the Revenue given towards furnishing armes &c. (now the Country is provided of such things) be layd out for small Bookes &c. according to a former proposall & towards buying a Library

17. That the parishes be more equally devided & named anew & different names given them

18. That being the Country is destitute of any ffortificacō here his ma^{ty} be addressed to send in a ffriggot to keepe cruising in these partes for security thereof

19. That M^r Bray be gratified for his trouble & paines taken about the Libraryes haveing respect also to his expences therein according to a former proposall

20. That the house would Impower some person or more to make an agreem^t about keeping a publick fferry betwixt this port & Kent Island and another over the wading place at Kent Island not exceeding Twenty thousand pounds of tobacco

21. That an ordinance passe for Execucōn to issue against those persons that have Subscribed to give any sume or sumes of money or tobacco for & towards building the Church & Schoole &c within this port & refuse or delay paying thereof

22. That whereas William ffreeman Bricklayer being run away & left M^r workeman's house (one of the publick buildings in this port) a greate part thereof vnfinished. The advice of the house is desired to be given what is best to be done to

effect the finishing thereof, there being left about 53^{ls} sterl. in hand to doe it two thirds of the charge being already paid to the said ffreeman as p receipt appears

Original
Journal.
p. 7

Read part of a Lrē by his Ex^{cy} received from the hon^{ble} John Povey Esq^r dated the 20th of october last past wherein he writes he has not bin wanting to sollicite the Council of trade both by himselfe & M^r Randolph about the Maryland Coynes which nevertheles he hopes now by M^r Blaythwaits means to bring to some determinacōn very soone

Read also another Letter by his Ex^{cy} recd from the said Jn^o Povey Esq^r dated 27th of August last past relating to Coynes formerly read at this board the 16th of March past together with the Council proceedings thereon. Ordered that the same be layd before the house for their Cognizance & whether they thinke fit to give any further answer in that matter

Produced & read a Lrē by his Ex^{cy} rec'd from the hon^{ble} Coll Andrew Hamilton with proposalls in relacōn to erecting post office here

Read also a Letter by his Ex^{cy} recd from his Ex^{cy} Coll Benjamin ffletcher Govern^r of new yorke dated the 8th day of ffebruary last past together with his Ex^{cyes} answer to the same all which were Ordered to be layd before the house for their perusall & cognizance

A Letter of Severall Queries & Instruccōns by his Ex^{cy} recd from the R^t hon^{ble} the Lords of the Council for trade &c. dated the 25th of September 1696 being here read was to the generall satisfaccōn of this Board ffor that his Ma^{ty} hath been soe graciously pleased to have that particuler regard to these plantacōns by Constituting such a Council of trade that are soe careful & dilligent in looking after the affaires of the same ffor the very great promotion of his Ma^{ty}s service here and the good & benefit of the said plantacōns in generall Ordered that the same be layd before the house of Delegates for their Consideracōn and answering the severall Quæries therein put

Produced & read a peticōn of M^r John ffreeman Reg^t of his Ma^{ty}s high Court of Chancery of this province praying some settlement of fees may be made him in that Imploy &c Ordered that the same be referred to the house of Delegates for their Consideracōn

That a Quærie be put to the house whether it will not be proper to encourage some small number of men to goe out beyond the mountaines this suūer vpon discovery &c.

It is Remarked from the board that they doe not omit off or allow that the Clke of the house should signe as Clerke of the Assembly It is to be observed also That he conclude not his Journall by Saying the Assembly prorogues themselves

p. 8

Original
Journal.

That the house of delegates have not power Sufficient to trye punish or administer an oath to any person vnder the Quallificacō of delegates & therefore must forbear such proceedings which by their Journall appeares some time ago transacted in the case of Richard Clarke about his takeing a horse out of the pasture

A Letter from the Com^{rs} of his Ma^{ty}s Customes directing prosecucōn to be made of one Tenches Navigacōn bond was ordered to be layd before the house for their pervsall

Saturday May the 29th 1697

The Council again Sate & were present

His Ex^{cy} ffrancis Nicholson Esq^r Cap^t Gen^{ll} &c

Sr Thomas Laurence Barronet Sec ^{ry}	} Thomas Tench Esq ^r }	
Coll Henry Jowles		} Col Charles Hutchins }
Col. Nicholas Greenberry		

Proposed that the offices in the State house be first finished the same being likely to be first wanted

That the fore dore be altered and a pedim^t placed over each of the out dores as the hon^{ble} Coll Hutchins shall direct and the shingling secured from Leakes

Quærie whether it may not be necessary to have the same Tarrd two or three times over That the house be paled round & paved a house of office built & conveniences made for hanging horses on

His Ex^{cy} is pleased to say that he has sent for a Copper Vane and a broad pennant for the vse of the State house

Proposed that some person be Impowred to agree with workemen & finding materialls for accomplishing all the foregoing matters & makeing convenient Shelves & boxes for the offices where wanting & about makeing & setting vp a pair of Stocks pillory and whipping post

That the house give their opinion whether it may not be convenient to have the Armes (to be sent for in) Sanguin'd

That a way be found to change the publick powder (pursuant to a former proposall) without which the same will be totally lost

p. 9 It is Quæried whether the house had sent any peticōns or Addresses for England in relacōn to the navigacōn bonds That if the house can find out a way to stay Execucōn vpon those Judgem^{ts} obtained by his Ma^{ty} against those persons concerned in the said bonds without putting the Judgem^{ts} to be renewed by Scire facias his Ex^{cy} will be willing that Execucōns shall be stopt at present but otherwise cannot

The Lawyers opinion vpon the Case being herewith sent. Original
Journal.
All the foregoeing proposalls Letters & papers were layd
before the house for their Consideracōn.

Brought from the house of Burgesses the following Resolves
in answer vnto two proposalls sent from this board Viz^t

By the house of Burgesses May the 29th 1697

Resolved by the house in relacōn to his Ex^{cys} proposall to
oblige the masters of Shippes to Change the Country powder.
That wee cannot find any way to compell them thereto espe-
cially during the warr time powder being layd in for defence
& securing themselves & the same being likewise against law

As to his Ex^{cys} the Govern^{rs} appoynting a Justice of peace
by warrant made vnder his hand & Seale when any dye or
remove out of the Counties without putting the Counties to
the charge of a new Comission

This house conceive it much to the advantage & ease of
the publick charge but that it would be of dangerous Conse-
quence to make a Law soe Contrary to the knowne lawes of
the Kingdome of England Especially considering the Law
impowring the Com^{rs} of the County Courts for Tryall of
Criminalls which by severall adjudg'd cases of all the Judges
of England

Its resolved that all Comissions of that nature ought to
be vnder the broad seale and soe consequently noe person in
a meaner Capacity capable of sitting Judge of the same

W Bladen Clk Assembly

Munday may 31 1697

The Council againe Sate & were present

His Ex^{cys} ffrancis Nicholson Esq^r Cap^t gen^{ll} &c.

S ^r Thomas Laurence Baronet Sec ^{ry}	} Coll John Addison	}	
Coll Henry Jowles			&
Coll Nicholas Greenberry			Coll John Courts

The severall foregoeing proposalls of the 28th & 29th past
Came resolved & answered from the house as follows

By the house of delegates May 31th 1697

Severall proposalls from his Ex^{cys} the Govern^r in Councill &c
Recomended to the Consideracōn of this house debated.

Voted & Resolved vpon as follows Viz^t

As to the first being a Complaint from Sumersset County
that the expense of the County Comission^{rs} there at 80^l of tob.
p diem is burthensome & greivous to the Inhabitants of the
said County p. 10

Original Journal. Resolved that his Ex^{cy} be pleased to lessen the number of Com^{rs} in the said County

A proposall from the said County of Sumersset that some of the ablest ffreeholders of the County may be joyned with the Com^{rs} when they asseste the County Levy Resolved that there is noe occasion thereof seeing that the County Leaves are assessed in open Court & noe one debarred from makeing legall objections to any allowances therein

That it is a greate greivance in the said County that poor men are those Constables who cannot well attend the said Employ by reason of such their poverty

Resolved that his Ex^{cy} & his Ma^{ty}s hon^{ble} Council be desired to direct the Justices of the severall County Courts to choose able men that are Richer & may better attend the said office of Constable

2 prop. about Coll Talbot

Vpon Inquiry this house doe find that Coll Talbot never Reimbursed the Country the same

3. About Seamen Negroes & Serv^{ts} &c

Referred to the Com^{tee} of lawes who are to make report thereon to this house

4. About a law for an Imposicōn vpon the wooden ware. Resolved that it is not convenient to make such a law

5. The Law about Constables &c.

Resolved that the said Law needs noe Amendment

6. About ascertaining the bounds of land &c.

The said proposall referred to the next gen^l Assembly

7. About the divisionall line betwixt this province & pensilvania

Resolved that the Committee of lawes prepare an Adresse to their Lord^{ps} therefore & that M^r Scarborough & Maj^r Whittington attend the Comittee therevpon.

8. About the Shipps sayling &c.

p. 11 Resolved that this house doe find the cheife reasons of their hindrance to have been because the masters & merchants held their goods at too deer a price & their freight at excessive rates which together with the hardnesse of the last winter hath been the occasion thereof

As to the late Council proceedings there about The house do well approve off & concurr with them

9. Touching Auditors &c

Resolved that the severall Courts of law where the suits are hanging, Appoynt Auditors and have power to fine them vpon Contempt & that when the bill of cost is taxed such Auditors wages be therein ascertain'd & allowed them at the discretion of the Justices of that Court

The said Resolve is assented to by his Ex^{cy} & his Ma^{ty}s hon^{ble} Council Hen. Denton Cl Council

10. That the lawes be digested into better Language &^c Original
Journal.
This proposall answered by appoynting a standing Committee

11. About the offices & roomes in the State house &
Church &^c Ordered that the Committee of lawes prepare a bill
therefore

12. About the ditch &c.

Resolved that the ditch be finished & that Maj^r John
Hamond & Maj^r Edward Dorsey be hereby appoynted & see
the same done & the gate house built with a gate & good
lock & key and that for effecting the same Ordered that the
publick Treasurer for the westerne shore pay vnto the said
Maj^r Hamond & Maj^r Dorsey Eight thousand pounds of
tobacco in Anne Arrundell County

The s^d Resolve &^c is assented to

by his Ex^{cy} & his Ma^{ty}s hon^{ble} Council

Hen Denton Cl Concil

13. prop^l That the Leavy be proporcioned this Sessions.
This house concurr with the above proposall & about Credit
to be given for the Rangers

Resolved that it is the Comon practice & That the Court of
Chancery in England to issue to Examine Evidences in
perpetuam Rei [memoriam]

15 about a market & fare &c

Resolved that a law for advancem^t of the port hath already
provided therefore

16. About Addressing his Ma^{ty} touching some part of the
Revenue &c.

Resolved that in regard of our present circumstances with
our neighbour Indians the proposall be referred to the next
generall assembly

17. About devision of the parishes &c.

The parishes are already well layd out the bounds Recorded
and noe Complaints made thereof

18. About Addressing his Ma^{ty} for a frigot to Cruise in p. 12
these parts &c.

Resolved that there is noe necessity to put his Ma^{ty} to such
charge of such Cruiser

19. About Gratifying M^r Bray &^c

Resolved that a letter be writt to M^r Bray

20. About keeping a publick fferry betwixt this port &
Kent Island &c

Resolved that the charge of such a fferry is thought to be
too burthensome to the province

21. Touching the subscripcōn tob. &^c

Resolved that the Trustees are sufficiently Impowred to
Compell such persons to pay their Subscriptions

22. About M^r Workemans house

Original
Journal.

Referred till the said workeman appears in the house

23. M^r John ffreemans peticōn &c

Referred to this house Rejected

Severall Letters layd before the house & read proposall about Encourageing some persons to goe out vpon the mountaines vpon discovery &c

The sending men vpon that accompt at this present time thought will be too chargable and burthensome to the Country

Touching the Remarke about the Clerke of the house signing as Clk of the Assembly &c

The same is answered The Clerke of this house signing as Clerke of the house of delegates

Proposall about the Addicōnall conveniencies & offices about the State house &c

Resolved that as to the Addicōnall conveniencies & things proposed about the state house The same are very necessary to be done And that Maj^r Hamond and Maj^r Dorsey be hereby appoynted Trustees to agree with & Imploy persons to doe & finish the same who shall be paid therefore out of the publick Levy of this province

The said Resolve is assented to

by his Ex^{cy} & his Ma^{tys} hon^{ble} Council

Hen: Denton Cl Concil

That the house give their opinion whether it may not be convenient to have the Armes (to be sent for in) Sanguin'd

p. 13 Resolved That it will be very convenient for the better preserving of them that they be sanguin'd

The said Resolve is assented to

by his Ex^{cy} & his Ma^{tys} hon^{ble} Council } Hen Denton Cl Council

A peticōn of Majo^r Whittington high Sheriffe of. Sumerset County Referred to the Consideracōn of the house

A peticōn of Maj^r Edward Dorsey Craveing longer time for building the Church & Schoole &c Is referred as above a peticōn of Cap^t W^m Welland about the Church to be is referred as above And the said three peticōns are delivered into the house accordingly.

Tuesday June the 1st 1697

The Council againe Sate & were present.

His Ex^{cy} ffrancis Nicholson Esq^r Cap^t gen^{ll} &c

S^r Thomas Laurence Baronet Sec^{ry}

Coll Henry Jowles

Thomas Tench Esq^r

Coll Charles Hutchins

} Coll John Addison

} Coll John Courts

} Thomas Brooke Esq^r }

The following observacōns & remarks collected out of the house of Delegates Original Journal.

Resolves to the severall proposalls sent them from this board are by order drawn forth & layd before the house.

1. As to excuseing poor men from being made Constables His Ex^{cy} does not know how farr it may be legally proper

2^d Quærie how Coll Talbot may reimburse the Country seeing it is not yet done

5 The Law about takeing the Lists of Taxables is not judged sufficient by this board

8. It is not answered how the shippes sayling may for the future be better forward

17. His Ex^{cy} makes complaint that the parishes are not well layd out nor named

18. his Ex^{cy} does declare that for want of such a frigot to Cruise, The house must expect to have all the blood that shall be spilt & damage or other mischief done by privateers &c (otherwise) to be layd on their heads Imagining they are afraid such Cruiser would spoyle the Illegall trade

The sending men beyond the mountaines vpon discovery &c. was not by their proposall intended as a Charge to the Country

A peticōn of Coll Hermans widow desireing the opinion of the house of delegates concerning an agreem^t made by her husband in his life time, with the vestry of north Sasafrax parish in Cæcil County about building a Church &c whether the said bargain might not be avoyded she refunding the tobacco received The houses opinion vpon the same being p. 14 Endorsed was That it might or might not as the Vestry thought fit This board being of the same opinion The peticōn is Endorsed accordingly.

The Clerke of the Council is sent downe to acquaint the house that his Ex^{cy} requires their Attendance at this Board to conferr with them in the matter ab^t the Indians

Came vp accordingly M^r Speaker attended with the whole house Cap^t John Hance Tillman being called to the Conference came accordingly

He is required to give an account what he has done in pursuance of the late order of Council given him in charge, who sayes that according to the said Order he went to the Susquehannah & other Indians at the head of the bay That the Delaware King, and Chanhannan king would have come along with him but that their greate men were gone abroad a hunting, and because he vnderstood the rest were willing to come downe about a month hence he did not bring them with him

Reports that at Carristauga, the Susquehanna & Seneca Indians have about forty lusty young men besides woemen &

Original Journal. children That the Shevanor Indians being about thirty men besides woemen & children live within foure miles of Caristauga lower downe & submit themselves & pay tribute to the Susquehannahs & Senecars

That the Delaware Indians live at Minguannan about nine mile from the head of Elke river & fifteen mile from Christeen & Thirty mile from Susquahanah river & are about Three hundred red men & are tributary to the Senecars and Susquehannahs fifty of them living at Minguhanan & the rest vpon Brandy wine and vpland Creekes.

That the Susquehanahs Delawares, Shevanoes, doe take themselves to be & are inclinable to be vnder this province because of their hunting within the same betwixt Susquehanah & Potomoke.

Reports that the King of the Delaware Indians had him tell his Ex^{cy} that if his Indians might be suffered to hunt betweene Susquahanah & potomock they would looke after
p. 15 the naked Indians & give notice of them And lastly the s^d Cap^t Hance Tillman proposes that there be not soe many persons suffered to treat with them.

His Ex^{cy} is pleased to aske the house if it will not be convenient to have the Indians that live at the head of the Bay to come to the next prov^l Court

To which they say it will be convenient that they come downe at that time.

Maj^r William Barton gives the following account in writing vnder his hand & Says,

That pursuant to an order of his Ex^{cy} & Council he went into Virg^a where the Emperor of piscattoway & the Indians vnder his Comand doe now resort being betwixt the two first mountaines above the head of occoquam river lying neare sixty or seaventy miles beyond the Inhabitants where they have made a fort & planted a Corne feild. That he acquainted them he was come by order of the Govern^r & Council of Maryland to know the reason why they deserted their ffort in that manner & left the province & whether they would returne againe & to know if the Emperor & any of his greate men will come downe to the Assembly now sitting at the port of Annapolis to discourse them & give the Country satisfaccōn about these things & discover (if they could) the persons that comitted the late murder in potomack: To which the Emperor & his greate men made answer that one reason of their goeing away was to secure themselves their wives & children from the English who dayly threatened them as they were informed Especially Coll Addison who taxt them severally with the murder of the negroe Boy and told them that there

could be noe murder comitted but what they either did or knew off, and that they had noe body else to tax but them and that they were but a hand full of men & went too & againe doeing of mischeife in the woods like wolves & noe body could prove any thing against them. And that the Coll should say he would engage to take the ffort with Thirty men and that they were informed Cap^t Holliday should say he would with forty men engage to take the ffort himselfe And that they further sayd That M^r Stoddert & another man should offer to sweare that two or three of the women were concerned in that murder which they know to be an Vntruth for that none of them were concerned with him but suppose it to be done by fforreigne Indians. Original Journal. p. 16

Another Reason they alleadge for their goeing was that severall people bought their lands over their heads soe that they had noe certainty thereof without their leave and that there could be noe hoggs or Shoats killed but they were still blamed for it & called Rogues & doggs and that the English yearely time after time puld downe their fences & destroyed their Corne feilds with their horses before they can gather it.

As to their coming back they vtterly refuse as also Excuse themselves from coming to the Assembly being very weary & not able to travell soe farr but with all doe say that they desire to live peaceable there & to passe too & froe without trouble as formerly and that the English should be welcome to come to their ffort as often as they please.

And further sayes that he finds the greatest part of the Indians are inclinable to retorne back to Maryland, especially the Comon sort of men & woemen & that severall of them are already come back & more resolved to come suddenly provided they may live peaceably & quietly & that they see the English are not angry with them & that they speake very well of his Ex^{cy} Saying that they knew him to be in noe fault but that he was alwayes kind to them and that it was the men vnder him that continually abused them.

W^m Barton

Then read the deposicōns of George Achey William Clarkson Thomas Gatton Terrence Drumer Margaret Robert Robinson William Stinson & ffrancis Marbery relating to the piscattoway & mountaine Indians yet not particularly Effecting them with the murder of the negroe.

His hon^r Coll Charles Hutchins being desired to declare what he knew of the Nanticoake Indians on the Eastern shoare wherevpon he relates that they have made a new Emperor & that they Entertain & receive strange Indians, three Cannoes of Indians from the westerne shore being met some where about the streights goeing over to them.

Original Journal. The hon^{ble} Coll John Courts is asked to give an Account of what he knowes of the Indians in potomack who says that on
 p. 17 wednesday last the Choptico Indians came to his house & made complaint against M^r Joshua Doyne of S^t Maries County for demanding rent of them for the land they now live on which they have enjoyed peaceably these many yeares by grant from the Lord Baltemore, and has taken from them by Violence two double matts, Bowles and basketts desiring some redress therein. They also Complaine that Mad^m Blakiston threatens them for want of Satisfaccōn made her vpon a certaine Judgement obtained against them in the Coll^o life time notwithstanding they had sold skinnes towards payment thereof (for tobacco) vnto the Clerke of the Councill which tobacco the said Mad^m Blakiston sayes is not yet paid her Therefore some order therein. They likewise complaine that one Barber has Encroacht vpon their land which they have long time enjoyed.

M^r James Stoddert at the Easterne branch of Potomack in prince Georges County gives the following accompt relating to the Indians vnder his hand.

That in ffebruary last there came to my house about sixteen Indians which live (as I understood them) near the mountaines they had with them Skins & ffurrs which they offered to sell (the which I bought) when they went away they signified by signes that they would come againe at the Spring of the yeare & bring some more Skinns At this time there were some families of the Piscattoway Indians had their Cabins at my house but in a few dayes after they went away I ask't their reason of their goeing so soone from their hunting Quarters they told me that th^r Emperor had sent for them; about the 20th of March last haveing occasion of a silke grasse net in order to buy one I went to the ffort, I never haveing seene the Emperor I went to see him The Emp^r told me he was very glad to see me I told him my buisines vpon which he sent to Enquire if there were any netts in the ffort The answer was return'd there was none afterwards they shewed me an old one the which I bought ffurther in discourse The Emp^r asked if there was any body came with me & if I came from home that morning I answered him I came that morning from M^r Hutchinsons & that he directed me to the fort, ffurther he told me that he heard that there had bin some Senecor Indians dealing with
 p. 18 me, I told him it was so, he further told me that notices came to him two dayes agoe that a man in Virg^a was shot by Indians & he sent to see & found it false, he seem'd to blame the English for raising such false Reports.

On the 3^d day of Aprill last I haveing been abroad & coming home late the night before in the morning went out

to my people to see them worke & what they had done I was scarce sooner come out & Talking with some of my people but I heard one of my negroes Cry out wee all rune to see what was the matter, till I came to see about Tenn Indians naked not painted running out of a branch coming towards vs vpon which I turned about & desired my people to make hast to the house some time after wee found the negroe alive who lived foure dayes, I asked him if he knew any of the Indians he told me noe I asked him how many Indians he saw he told me 3 which he said was lodged in the lapp of a tree from whence he was taking fence railes and as he was stooping to take vp a rail they shot him at the back with an arrow & afterwards run vp to him & knockt him downe, as to what they did else to him as fleaing his head & cutting off one of his eares he was not sensible, Since that time I haveing beene on board some of the shippes at the mouth of patuxen at my returne my wife informed me that some of those Indians that formerly traded with me, had bin at my house each of them a burden of skins, and would not be satisfied till they had gotten a man to come to the westerne Branch of patuxen to looke for me Vpon which she went vp to them & finding that Cap^t Brightwell had discoursed them, then she bought what they offered to sell.

Original
Journal.

p me James Stoddart

M^r Joseph Chew appearing sayth that an Indian that hunted for him told him that in the spring some mischeife would be done at M^r Stoddarts plantacōn therefore he would live with him that he might testify for him. Cap^t Brightwell appearing sayth that he & his men keepe constantly out a Ranging and that they have enforted themselves Therefore desires that he may have some small quantity of powder & ball two pick axes two spades & two shovells with some ffusees and Granadoes.

Resolved the Indians objeccōns be answered & some proposalls made them. And that Coll Addison Coll Courts & Esq^r Brookes Coll Bell & Maj^r Smalwood Maj^r Barton M^r Hutchison M^r Hawkins Cap^t Hoskins M^r Dent & M^r Hatton be appoynted this evening to draw vp proposalls in order to a treaty with them M^r Speaker & the rest of the members take their leave & returne to the house.

Brought from the house of Delegates by Cap^t Hoskins & Maj^r Barton the following message Viz^t

By the house of delegates June the 1st 1697

This house humbly desire y^r Ex^{cy} will give order that the County Court Comissions be enlarged in limiting them to 10000^l tob: or 50^l sterl being a greate greivance to this province therefore wee desire they may be as formerly

Signed p ord^r W Bladen Clk Delegates.

Original
Journal. Ordered that the Lawyers be consulted therein & make report accordingly their opinion to this board with all convenient speed.

A peticōn of M^r William Sharpes being also brought by the said messengers is referred to be read till to morrow morning

June the 2^d 1697.

The Council againe sate & were present as yesterday except Coll Jowles & the Gentl^m appoynted vpon the Committee

The peticōn of William Sharpe yesterday brought from the house was as followes Viz^t

To the Committee of Redresse of greivances

The peticōn of William Sharp of Talbot County Sheweth

p. 20 That whereas y^r pet^r was heretofore sued as security for & with one John Tench for 1000^l Sterl & whereas y^r pet^r was informed that all those bonds would not be brought to tryall so soone as they were but have longer time allowed them for their defence wherevpon y^r pet^r went home from the prov^l Court leaving with his Attorney noe manner of instruccōns to defend the suit wherevpon Judgem^t was got against y^r pet^r by non sum Informatus & afterwards the s^d Tench was sued vpon the said bond who pleaded it was not his deed and the Jury found that it was not his deed & Judgem^t was given vpon the Verdict for the def^t. And therevpon the Attorney gen^l appealed to the Govern^r & Council, and y^r pet^r brought a writt of Error vpon the Judgem^t given against him and procured a writt of supersedeas directed to the Sheriffe of Talbot County but before y^r pet^r could get out of towne the Sheriffe of Ann Arrundell County late on Saturday night about Twelve of the Clock came to serve ag^t pet^r with Execucōn on the s^d Judgem^t & y^r pet^r shewed the s^d Sheriffe the writt of supersedeas who would take noe notice thereof but served the Execucōn & detained y^r pet^r therevpon in prison contrary to law & the liberty of the Subject & therefore y^r pet^r offers this to the Committee humbly praying that his case may by this Committee represented to the house of Assembly in order to be releived according to law.

And he will pray &c.

By the house of Burgesses May the 28, 1697.

The above peticōn being read Voted nemine Contradicente that the takeing the pet^r & detaining him in prison after he

had purchased his Ma^{ty}s writt of Err^r vpon the very Judgem^t on which the Execucōn issued is Illegall & against the Course of law. Original
Journal.

Signd p ord^r W Bladen Clk Delegates

The s^d peticōn was by ord^r endorsed as followes and returned back to the house by M^r W^m Dent Viz^t

By his Ex^{cy} the Govern^r & Council &c.

June the 2^d 1697.

The within peticōn & Vote of y^r house thereon is referred back by M^r W^m Dent one of y^r members for better explanacōn for that noe writt of Err^r was issued till after the pet^r was taken in Execucōn.

Sign'd p ord^r Hen: Denton Cl Council.

June the 3^d 1697.

The same came back endorsed as followes Viz^t

By the house of delegates June the 3^d 1697.

Wee have Reassumed our former debate of this matter & say that it was Represented to vs that the writt of Err^r was issued before execucōn served but that being now denyed wee have called for the writt of Err^r before vs by which together with the acc^t the Sheriffe gives of the time he arrested the party seemes still to be that the writt of Err^r was issued before Execucōn served as by the date of the writt of Err^r appeares to vs and for further satisfaccōn therein wee have herewith sent the said writt of Err^r which was the reason of our former Resolve.

W Bladen Clk

The further proceeding in this matter appeares in the other p. 21
Journall of Council proceedings of this date.

Proposed that the minutes of every dayes proceedings both of the prov^{ll} & County Courts be constantly read over every night or morning by the Court & for the Court to be held afterwards the last Courte proceedings be read anew againe & inspected by the Justices that a due record of the same be kept.

It being signified to his Ex^{cy} that the Committee appoynted in the matter about the Indians had drawne vp severall proposalls & made a finall Conclusion It is considered that the same be read before the whole Assembly that if in case any disputes should arrise thereabout the same might be ended in a Conference.

Original
Journal.

Ordered therefore that the Clk of the Council goe downe to the house & acquaint them that a second Conference is required in relacōn to the Indians who accordingly came vp.

The following report of the said Comittee being p^rsented to the whole assembly was by ord^r read viz^t

June the 1st 1697.

At a Comittee by appoyntm^t of the Govern^r Council & house of Burgesses composed of the Council & Burgesses for the Considering the Indians affair & makeing proposalls what may be most proper measures to be taken for quieting their fears and securing the province &c.

present of the Council

Coll John Addison	}
Coll John Courts	
Thomas Brooke Esq ^r	

Burgesses.

Mr W ^m Hatton	}	Maj ^r Smalwood
Mr W ^m Hutchinson		Mr Hawkins
Maj ^r Barton		Mr Hoskins
Coll Beale		Mr Dent

Coll Addison chosen Chairman of the Comittee

Chr. Gregory Clk.

Resolved first to proceed on the affaires relating to the piscattoway & Accokick Indians &c. And therevpon was read the Report of Maj^r W^m Barton to the Govern^r and Council vpon what passed between him & the said Indians vpon his being sent to them & their answers to him and vpon their first answer relateing to the reasons of their deserting their ffort Viz^t

1. This Comittee say that vpon p^rvsall & Examinacōn thereof they perceive the Indians built their faith vpon bare report that Coll Addison & others should say such things of them but whether true or noe they had noe certaine grounds for they never went to the Governm^t to enquire but on the
- p. 22 Contrary The Comittee find the English had some Reasons even from their owne mouths to suspect them for that murder & for which they ought either to acquit themselves or make some satisfaccōn And therefore it may be proposed to them that if they will discover the murderers if they know them he or they shall be freely pardoned & him & them all recd into the same articles of peace that were last made with them

vpon their renewing & confirming them Articles or if they will not or cannot find or deliver the murderers that then the nation make payment of 80 drest buck skins for the value of the negroe & in such time as the persons appoynted to treat with them shall consent & agree to.

Original
Journal.

That vpon performance of either of these proposalls returning to the place of former abode or elsewhere neare the English as shall be agreed on all former Injuries to be passed by & pardoned & perticulerly the Annacostin king to be received into the same Articles of peace & friendship with the rest

2. As to their Allegacōn of haveing their lands purchased from them & their Corne feilds puld downe & their being blamed for killing the hogges &c Wee conceive it may be proposed to them that the English doe not care for their land being in noe want of it, and if any persons have seated within their bounds its not by direccōns of the Governm^t nor their consent and if such persons have not the Indians consent for it they shall either make them satisfaccōn or remove as this Governm^t shall thinke fitt and if they are blamed about the English stock it may be because they give cause for it nor can the Governm^t prevent private suspicions but doe assure them they shall not be punished for any such suspicions without due prooffe be made against them according to the rules of pceedings against others and as to the English pulling down their fences, if they can make any such thing appeare they shall be called to an account for the same & if proved against them punished according to the law of the Country & for speedy releife in those cases fitting psons shall be appoynted adjacent from whome vpon Applicacōn made Redresse shall be had

3. That as to their refusall of returning & excusing themselves from coming to this Assembly, it may be observed to them that as the Governm^t will not doe any Injustice to them or impose any vnreasonable taske on them soe they cannot but resent very ill of them by this rashnesse & vnadvisednesse to breake their articles with vs in leaving their Established places of abode & withdrawing themselves soe suspitiously in the night time & putting vs to such charge to find them out & notwithstanding that for them not to come to vs to treat as formerly they were wont And therefore if they will all come in & setle themselves & demeane themselves according to their former articles as is already said, the former articles shall be confirmed to them or if they doe not all agree to come that the same shall be to those that doe come in provided they doe imediately vpon their coming in apply themselves to such persons as shall be appoynted & give in

p. 23

Original
Journal.

their names that wee may know who are our friends & who not And that for all such as will not returne vpon these proposalls by a day ascertained Wee doe refuse all Intercourse of trade or converse with them, and to that end that caution should be given them to forbear at their perrill to come or appeare within the bounds of this Governm^t for that if they doe without coming in as afores^d they shall be certainly deemed as Enemies & treated accordingly

And to prevent all mistakes of freinds or Enemies wee doe firmly enjoyne & require all those that doe come in vnder the penalty of forfeiting our freindship not to harbour entertaine or detaine any of those Indians of them nations that have now absented or that doe not come in & give vp their names as aforesaid ffor that if they doe wee shall looke vpon them as confederating with our Enemies

4. Wee also propose that a copy of what termes wee make to the Indians may be layd before his Ex^{cy} the Govern^r of Virg^a that thereby that Governm^t may see the Justice of our proceedings with them & be an inducem^t to them not to beleive or Countenance any of their Allegacōns nor any way to protect or harbour them in this their Contempt & breach of Articles with vs

5. Wee also propose that it may be requisite vnder the p^rsent juncture to send a certaine number of Gentlⁿ of this Governm^t not lesse then Tenn to the Indians to make knowne to them these our proposalls & to treat with them thereon
 P. 24 and also to discend to particulars with them in that treaty & that they have a latitude of discretion left with soe farr as the Governm^t shall thinke fit & convenient particularly about the place of the Indians living if by them proposed

6. That according to the first proposall to the Indians wee conceive that some sober & discreet persons be appoynted nearely resident to every one of the Indian townes to heare & determine any Complaint either of the Indians or English with one another & the determinacōn of such person shall be binding to both persons vnles the matter be of soe greate moment as to require an Appeal to the Govern^r & Council in such cases if either the psons to heare & determine the matter thinke fit or either of the parties desire an Appeal to the Govern^r & Council they shall be there transmitted with their Complaints

Then the Comittee proceed to examine the Report of Coll Hutchins whereby those Indians seemed charged with Entertainm^t of strange Indians & turning out the Emperor & choosing a new one without the Govern^{rs} consent & approbation contrary to articles We propose that them Indians may be sent for before the Govern^r & Council & they cautioned of

that their breach & the new chosen Emp^r either confirmed or revoaked as thought fit, and if the Govern^r & Council thinke fit to passe this Error by for the present that yet they be cautioned to give noe more such occasions for that they will not be endured, and that if any strange Indians for the future comes to them it shall be sufficient for them to give notice (to the psons appoynted) of the number & nation of such strangers

Original
Journal.

7. Then as to the complaint of the Indians to Coll Courts of the violence offered them by M^r Joshua Doyne & the misvnderstanding betweene them & Mad^m Blackiston wee propose that the parties be sent for before the Governor & Council & the matter to be there heard and determined as in their wisdom shall be thought fitt and for the future all such Complaints to be heard and determined by the psons appoynted for that purpose.

8. That because their happens many complaints about the bounds of the Indian land & many Jealousies may arrise about it wee therefore propose that the psons to be appoynted to heare & determine such differences doe call to their assistance 6 or 8 of the most substantiall neighbourhood to each towne & heare & determine the Indians clayme & according to the best testimony that they can get lay out the bounds of their lands & marke them by lines & trees in the presence of the neighbourhood aforesaid & the better to keepe in remembrance such bounds & transmit the same downe to posterity that the said persons & soe many of the neighbourhood with the greate men of the Indians goe round the bounds once every three yeares & new marke & line the bounds.

p. 25

9. This Committee are informed that the strange Indians that are at the head of Potomack neare the mountaines doe belong to & are part of a nation of Indians at the head of the Bay of the Susquahanahs who are at peace & Amity with vs. Therefore we propose that caution may be given that king either to call in them Indians or to be accomptable and answerable for them in case of any Injuries.

10. This Committee propose that what measures are resolved on with the Indians be imediately put in Execucōn by present sending to them to make Corne if they returne & prevent their Confederating with strange Indians which longer time would give the opportunity of.

Chr. Gregory Clk.

The said proposalls being read were well approved off respect being had to the value of the negroe 80 buck skins being thought too litle but left to the discretion of the persons appoynted to treat with them and therevpon Resolved that the hon^{ble} Thomas Tench Esq^r Coll John Addison & Thomas

Original Journal. Brooke Esq^r Gentl^m of his Ma^{ty}s hon^{ble} Council Maj^r James Smalwood Maj^r W^m Barton M^r W^m Hutchison M^r John Hawkins M^r John Wight Cap^t Philip Hoskins & Maj^r Walter Smith imediately goe to the Piscattoway & Accokick Indians vpon the treaty afores^d & that Henry Moore goe as their Interpreter

Ordered that M^r Perry the post be sent downe to his Ex^{cy} S^r Edmund Andros with a Coppy of the said Comittees report & to acquaint him the reason & necessity of sending persons to treat with them being streightned in poynt of time, Corne planting being now at hand, Besides the longer the matter is delayed the more foreigne Indians will be gathered to them. As to the Nanticoke & Choptico Indians being sent for his Ex^{cy} thinks it will be too greate charge to the Country and therefore is pleased to say he will be with them this Sumer to save the Country that charge.

p. 26 Resolved that Maj^r John Thompson & M^r Vanderheyden of Cæcil County M^r Edward Boothby & L^t Coll Richardson of Baltemore County be sent to the Indians at the head of the bay to give them caution either to call in the mountaine Indians or to acquaint them that wee expect they should be answerable for them if any injuries happen to be done as also to acquaint them what measures are taken about the piscattoway Indians.

His Ex^{cy} is pleased to declare that he never tooke any presents from the Indians but that he alwayes gave them in returne for the same more then they were worth, and that he comonly tooke but one thing of a sort and gave them back the rest.

Ordered that Cap^t Hans Tillman bring the Indians at the head of the bay downe to the Govern^r & Council against the next prov^{ll} Court and that he goe as Interpreter with the aforementioned Gentl^m to the Indians at the head of the bay, the said Hans being called in is acquainted with the houses Resolve about him & is asked if he is willing to accept thereof, who does say he is willing.

He is cautioned to be faithfull therein & truely to Interpret all matters betwixt them & was sworne accordingly.

Came Maj^r John Thompson Navall officer of Cæcil County M^r Samuell watkins navall officer of patuxen district Maj^r W^m Dent navall officer of potomack district George Muschamp Esq^r his dep^{ty} for the Lower part of that district Henry Denton navall officer of the port of Annapolis, M^r Philip Clarke formerly navall officer of potomack & Robert Mason Esq^r Treasurer for the westernne shoare who severally produced their publick accounts & made oath to the same before his Ex^{cy} & Governor his Ma^{ty}s hon^{ble} Council & house of Delegates.

Ordered that the two Cap^{ts} of the Rangers each have Tenn Granadoes tenn fusees 2 spades 2 pick axes & 2 shovells delivered them and that the Colls of prince Georges & Baltemore Counties deliver them each Cap^t Viz^t Cap^t Brightwell & Oldton 50^l pound of powder flint & ball Equivalent the same to be returned back & not made vse off but vpon occasion.

Original
Journal.

His Ex^{cy} proposes whether the house think it convenient that the said Rangers have Inforted themselves, who doe say that they doe approve thereof provided the province be at noe charge therevpon. p. 27

Cap^t Brightwell being sent for comes accordingly He is told that the Assembly have graunted that the Rangers should have some of those things he peticoned for but that they were not to be medled with or made vse off without special occasion. He is also acquainted that there is a Complaint made against some of his men coming downe among the plantacōns too oft & keeping away from the ffort Therefore he is Cautioned for the future to have them in better order, and that one of the first things they doe be to cut downe the vnder bush round about their fort, the makeing whereof is approved off provided it be noe charge to the Country

M^r Speaker & the rest of the members take leave & returne back to the house.

June the 3^d 1697.

The Council again Sate & were present

His Ex ^{cy} ffrancis Nicholson Esq ^r Cap ^t Generall &c.	
S ^r Thomas Laurence Baronet Sec ^{ry}	} Coll Hutchins Coll Addison Coll Courts Thomas Brooke Esq ^r
Coll Henry Jowles	
Coll Nicholas Greenberry	
Thomas Tench Esq ^r	

Brought from the house of Delegates by Maj^r Walter Smith Maj^r Barton Maj^r Smallwood M^r Hutchison & Cap^t Hoskins these following papers & bills Vizt.

A peticon of Maj^r W^m Whittington praying that some publick fees due to him might be continued vpon Execucōn &c.

The same was endorsed by the house as followes Viz^t

By the house of Delegates June the 3^d 1697.

If the pet^r will draw a p^ticular account of what is due to him of such publick levy & make oath That neither directly nor indirectly he hath rēcd any part thereof nor any way

Original Journal. altered the debt wee Consent that Execucōn may be graunted to the present Sheriffe to leavy by Execucōn all those debts if the debtors refuse or delay payment

Assented to by his Ex^{cy} W Bladen Clk Delegates.
& his Ma^{tys} hon^{ble} Council
Hen Denton Cl Concil.

A peticōn of W^m Sharpe endorsed together with a writt of Error recounted in fol 20.

A peticōn of Cap^t William Holland endorsed as followes Viz^t

By the house of delegates June the 3^d 1697.

This house doe say that If Cap^t W^m Holland doe pay the debt in tobacco & the Comon interest therefore this yeare
p. 28 they thinke it sufficient if his Ex^{cy} the Govern^r & his Ma^{tys} hon^{ble} Council so thinke fit.

W Bladen Clk Delegates.

To which this Board make answer that the same is neither agreeable to law nor Equity that way of payment being the Comon Cheat among sheriffs which was ordered to be endorsed vpon the s^d peticōn accordingly.

An Addicōnall bill to the Act for Recovery of small debts read first time & passed.

A Bill for the Confirming titles of land given to the vse of the Church &^c read first time & will passe with Amendm^t

The house are made acquainted that M^r Geddes the School master sent in is placed out as vnder master to the Colledge Schoole in Virg^a to save a present charge & to gaine himselfe the more experience against the schole is here built.

Proposed that an Ordinance or law be made that in the Countys where ministers are they be obliged to Read divine Service at the said Courts vnder a penalty for neglecting the same & a fine to be put vpon the Justices & officers of the Court that dont Come &^c

Brought from the house of Delegates by Cap^t Hoskins & Maj^r Walter Smith the following message Viz^t

By the house of Delegates June the 3^d 1697.

This house have in Concurrence with y^r Ex^{cy} & his Ma^{tys} hon^{ble} Council given leave to our severall members appoynted to goe vpon the Indian treaty to depart the house in order to their Journy, but humbly desire it may not oblige vs to tarry for their returne.

Sign'd p ord^r W Bladen Clk Delegates

June the 4th 1697.

Original
Journal.

The Council againe sate & were p^rsent as yesterday.

The Gentl^m appoynted by the house to goe vpon the Indian treaty Came & signified their haveing leave of the house to proceed on their Journey accordingly Desireing to know if this Board had any thing further in Comānd for them They are told that this Board have noe further to say then what they have already in charge in the severall Articles p^r proposalls contained save some instruccōns which were by order drawne vp & Comunicated to the house & afterwards a Coppy thereof delivered to them together with the severall Articles in charge given from the Assembly & former Articles of peace. The Instruccōns following in these words Vizt

Instruccōns to the Gentl^m implied to goe vpon the treaty to p. 29
the piscattaway Indians &^c

ffirst you are to make the best of your way to Cap^t Masons in Virg^a whom you are to acquaint the reasons of your coming there and to signify whether you are goeing as also shew him what has bin done by the Government therein.

2. You are to write to his Ex^{cy} S^r Edmund Andros whilst you are there to let him know that you are come soe farr on your Journey from the Government of Maryland with Instruccōns & power to treat with the piscattaway Indians to whome you are directly goeing and that you make all the speed you can thither.

3. You are to keepe a fair Journall of all your proceedings and made what dispatch you can back againe from the said Indians to Cap^t Masons in Virg^a where you are to write againe to his Ex^{cy} S^r Edmund Andros and enclose him a fair Coppy of your Journall and proceedings vnder all your hands distinctly.

4. You are from thence to make what hast you can into Maryland and send by one of the Gentlⁿ impowred a full and perfect Coppy of your Journall and proceedings (soe as afore-said to be taken) vnto his Ex^{cy} the Govern^r and his Maties hon^{ble} Council vnder your hands & seales respectively with all possible speed.

p Ord^r Henry Denton Cl Concil.

ffrom the port of Annapolis in Maryland June 4th 1697.

The hon^{ble} Coll Thomas Tench Esq^r Coll John Addison and Thomas Brooke Esq^r being appoynted to goe with the afore-mencōned members vpon the said treaty take leave accordingly and goe.

Another Coppy of the Articles in relacōn to the Indian

Original Journal. treaty being pursuant to order prepared to be sent to his Ex^{cy} Sr Edmund Andros his Maj^{ty}s Govern^r of Virg^a was accordingly inclosed in a Letter writt by order and signed by his Ex^{cy} and the Board as followes Viz^t

Maryland port Annapolis June the 4th 1697.

Sr This is by the Expresse to acquaint your Ex^{cy} what wee have done concerning the piscattoway and Accokick Indians and enclosed is the proceedings therevpon both of the house of Delegates his Ma^{ty}s hon^{ble} Council and of

Gov^r of Virg^a

Y^r humble Ser^t
ffra: Nicholson.

Came M^r Thomas Collier Navall officer of the port of William Stadt and made oath before his Ex^{cy} and his Ma^{ty}s hon^{ble} Council &^c to his navall officers account this day exhibited at the board.

p. 30 Came Maj^r Thomas Smithson Treasurer for the Easterne shoare and made oath in like manner to his Treasurers accompt here produced.

Read a Bill Impowring the Com^{rs} of each respective County to purchase lands for the vse of their respective Courts. proposed that a clause be added that where Court houses stand not in Townes the Justices of the Counties be Impowred to purchase 40 or 50 acres of land for convenience of pasturage for the suitors horses &c

June the 5th 1697.

The Council againe sate & were p^rsent

His Ex ^{cy} ffrancis Nicholson Esq ^r Cap ^t Gen ^l & ^c	
Sr Thomas Laurence Baron ^t Sec ^{ry}	} Coll Charles Hutchins & } Coll John Courts
Coll Henry Jowles	
Coll Nicholas Greenberry	

The bills yesterday read together with the proposall vpon the last Endorsed were delivered into the house by the Clerke of this Board.

Brought from the house of Delegates by Maj^r Dent & Maj^r Ennalls the following papers and bills Viz^t

A Report from the Comittee of lawes in relacōn to the proposall for a new modelling the Militia read as followes Viz^t

Referred to the Comittee to Consult the old law for Regulating the militia and Consider of his Ex^{cys} proposalls for the new modelling the militia of this province.

The Comittee haveing seriously and deliberately Consulted the old law and debated the severall proposalls of his Ex^{cy} to be Enacted into a new law do find that the said proposalls tend much to the well Regulating of the militia as likewise the ease of the poorer sort of Inhabitants but for as much as there is an Appearance at this time of some disturbance with the Indians doe not thinke it a proper time to set a law wholly aside that the Inhabitants are soe well acquainted wth as likewise considering that severall of the new proposalls if Enacted into a law yet it is Impossible to put the same in Execucōn this twelve month at least Therefore This Comittee are of opinion that a Coppy of the said proposalls be drawne out for every County of this province to the end that the Inhabitants of each County may consider of the same & give it to their Delegates in Charge the next Assembly it being not vsuall for parliam^{ts} or Assemblys to Ennact lawes altogether new without first acquainting the people therewith and haveing their approbacōn.

Original
Journal.

p. 31

Signed p ord^r Hen: Loftus Clk Comittee.

The said Report was subscribed as followes Viz^t

June the 5th 1697.

By the house of Delegates

The house Concurr with the report of the Comittee

W Bladen Clk

Ordered that an answer to the same be drawne vp—which was done as followes Viz^t

By his Ex^{cy} the Govern^r & Council &c

June the 5th 1697.

The Comittee of lawes Report to the house in relacōn to the proposall made to them & this Board for the better regulating the militia together with the houses Concurrence with the said Report was recd and here read to which his Ex^{cy} does say that he does not approve of the same but that the house may Consider to have such a law drawne and passed now according to the proposall and a twelve months time given for modelling and fitting themselves vntill which time the old law may be left to stand in force otherwise he is pleased to declare that he must see the old law put in due Execucōn & does intend God willing to take a vei^w of the militia of each respective County this Sumer & carry with him the Sheriffe & Clk

Original Journal. of the Endictm^{ts} together with a Coppy of the s^d law in one hand in ord^r to put the same in Execucōn against every pson that shall not be provided according to that Act & a Coppy of the proposalls in another hand that the people may see how they are dealt with all whereas an easier method had bin proposed to the house for these two assemblyes but was rejected.

The same was sent by the hon^{ble} Sr Thomas Laurence & Coll Hutchins who returne & say they delivered the same.

A Bill for Naturalizacōn of Stephen ffrancis &c. being read was rejected as not being a legall one according to the late Act of parliament for preventing frauds &c.

Then read the following Resolve of the house Viz^t

p. 32 It being moved in the house that the Lords &c should be addressed for a seperate Convoy for the shipping of this province Resolved that it will not be convenient to Adresse the Lords for such convoy in regard that the Virg^a fleete have quicker dispatch then ours and thereby fforestall our market.

A Bill ascertaining how & when Execucōn shall be graunted for publick officers fees read first time To which it is proposed that it be incerted that the Clerks be obliged to transcribe every dayes minutes of their proceedings to be fair read over next morning and the Record of the whole pceedings of that Court to be read over the first day of the next Court after.

A Bill for directing & appoynting to what vse the severall Roomes in the state house at Annapolis shall be applied to. Read first time It being proposed that one of the vpper roomes in the highest storey on the right hand be set a side for the Towne Clk. to keepe his office in. That the Collectors & navall officers &c. be obliged to transmit the bonds Certificates Cocquetts & other papers &c. to the port of Annapolis once every yeare in order to be lodged in the Clerke of the Councils office. That the Clerkes be obliged to keepe an Alphabet to every booke.

A Bill for the Confirming titles of land given to the vse of the Church &c read 2^d time & proposed that the word Chappells be incerted as well as Churches by reason Chappells are already built. That the Examinacōn of the Evidences be sent vp to the high Court of Chancery to be recorded as well as in the County Courts. That the Certificate therein mencōned be returned to the Court of Chancery in like manner & that the number of acres be incerted as the house thinke fitt.

A Bill Impowring Coll Hermans widow to sell a lott of land & two houses in the port of Annapolis Read first time and passed without alteracōn.

Brought from the house of Delegates by M^r Hawkins & M^r Boseman the following message Viz^t

By the house of Delegates &c.

June the 5th 1697.

Original
Journal.
p. 33

- This house desire that what bills have passed the hon^{ble} Board may be forthwith transmitted to them in order to be Engrossed

Signed p ord^r W Bladen Clk Delegates.

Munday June the 7th 1697.

The Council againe Sate & were present as yesterday.

drawne vp by ord^r a fair Coppy of the acc^t of the Revenue this yeare Collected to be layd before the house for their perversall which was done & delivered in accordingly.

Brought from the house of Delegates by Cap^t Tasker Maj^r Thomas Smith & M^r Pollard the following Resolves in answer to some proposalls Viz^t

By the house of Delegates June 7th 1697.

Severall resolves of the house vpon his Ex^{cys} proposalls as followes Viz^t

That some measures be taken to refund the Country Coll. Talbotts Imprisonment fees. The house finding that Coll Talbot was Attainted and convicted of ffelony and afterwards had his Ma^{ty}s pardon doe Quærie whether the Right of his lands be in his Ma^{ty} or the Lord proprietary or the said Talbotts heires If in his Ma^{ty} or the Lord proprietor, it is not in the power of this house to make a law therefore, if in the heires of Talbot yet there ought to be legall processe for the said debt before such a law can be justly made Therefore Referr the proposall to the next Assembly to Examine his pardon.

M^r Workeman appearing in the house sayes he hath 50^l sterl in his hands for the finishing his house.

Ordered that Maj^r Hamond & Maj^r Dorsey be Trustees appoynted to see the said worke finished and to order the paym^t of the money out of M^r Workemans hands.

Resolved that a bill be prepared to Impower two of the Council & one Burgesse out of each County the 11th of October next to meet at this port to apporcōn the publick leavy for the reasons following Viz^t Because if the Assembly tarry here to apporcōn the same it will occasion at least 30000^l of tobacco charge neither are the list of Taxables returned as yet Therefore till such time as they are returned the Leavy cannot be Equally assest.

Ordered that W^m Bladen be Clerke to apporcōn the said Leavy.

Original
Journal. Resolved that his Ma^{ty}s Council that have noe places of
p. 34 proffit and the Justices of the provincially Court be payd their
Sallaries in money out of what is in the publick Banke not
exceeding 200^l sterl at 8^s p Cent

Signed p ord^r W Bladen Clk Delegates

The answer from this board to the foregoing Resolves is as
followes Viz^t

Resolve about laying the leavy.

Agreed to provided the Committee soe appointed be such
Delegates as are Justices of the prov^l Court whereby noe
charge may accrew to the Country & to be nominated accord-
ingly Impowring them or the Maj^r part of them to performe
the same but that Maj^r Thompson be one of the said Committee
by reason there is noe Provincially Justice belonging to that
County.

As to the Last Resolve about paying his Ma^{ty}s Council &c
in money at 8^s p Cent. This board dont thinke fitt to agree
thereto at present till they see the Leavy apporcōned.

Proposed at the request of M^r Workeman that the said
M^r Workemans house be viewed by some of the members
and returne their opinion whether the same be substantiall &
good he haveing 53^l odd money in his hands for finishing
thereof.

Brought from the house of Delegates a certaine message
concerning fferrys which was read as follows Viz^t

By the house of Delegates June the 5th 1697.

It being Represented to this house by the Delegates of Kent
County That they have two fferrys in their County Viz^t One
kept by M^r Daniell Toas over the head of Chester River
which is the maine road to & from the new Country, and that
the said Toas has noe satisfaccon therefore, from the Country
or publick but is Encouraged to keepe the same through the
permission of the Justices of the County Court that he might
keepe Ordinary without paying for Lycence which s^d permis-
sion the Justices were induced to graunt vpon a late Ordi-
nance of Assembly. And also they have one other fferry
over Chester river kept by one Isaack Corke which is a
p. 35 County fferry and the said Corke by reason of such permis-
sion graunted keeping the same much cheaper. fforasmuch
as the said Ordinance seems to be scrupled & the fferry-men
in danger to be presented Wee humbly desire y^r Ex^{ty} &
Councils concurrence with this house in confirming the said
Ordinance & allowing such tolleracōn.

Signed p Ord^r W Bladen Clk Del.

Ordered that an answer there to be given which was as follows Viz^t Original
Journal.

By his Ex^{cy} the Govern^r & Council June 7th 1697.

To the message of the house dated the 5th instant in relacōn to permitting some persons keeping publick fferry to keepe ordinaries License free pursuant to a former Ordinance this board doe Say that there never was any such Ordinance But doe remember a proposall formerly made to that effect on Condicōn the house would agree to makeing publick ffereys throughout the Country, but was rejected, However if the house are willing to revive the proposall it will be assented to his hon^r S^r Thomas Laurence who is cheifely interest therein being very willing to set aside his right on Condicōn assigned otherwise expects his dues to the full pursuant to his Ma^{ty}s Royall guift to him of those matters.

Signed p ord^r Hen: Denton Cl Concil

Proposed that an Ordinance be made to appoint some p^{ns}ons to looke after the workē that remaines to be done about the State house as also about the Church and School worke.

That care be taken to have the remainder of the lands Engrossed.

The foregoing message &^c were sent down to the house by the hon^{ble} Coll Nicholas Greenberry who returnes and says he has delivered the same.

June the 8th 1697.

The Council againe sate & were present as yesterday except the hon^{ble} Coll Henry Jowles.

Brought from the house of Delegates by Maj^r Dent Maj^r Hamond & Cap^t Hill. The answer of the house to the severall Quæries contained in the lre of the R^t hon^{ble} the Lords of the Council for trade & forreigne plantacōns laid before them as follows Viz^t

Severall Quæries to their Lord^{pps} Lre, Viz^t The Lords of the Council for trade & plantacōns laid before the house as followeth & the 4th Quærie Vizt.

4. ffew or noe families are come into this Province to p. 36
reside especially from pensilvania & few or none removed from hence to the proper province of pensilvania onely some single p^{ns}ons mostly woemen are of late come from England or Ireland in the quality of servants about 60 souls & some few of the meanest Inhabitants to avoyd the prosecucōn of their

Original
Journal.

Creditors have chosen to shelter themselves amongst the Inhabitants of the Lower Counties on Delaware bay & of Carolina & indeed the low price with the planter hath of late bin constrained to accept of from the merchant hath obliged many here (finding their Industry would not supply their necessities) to try their fortunes else where to the apparent and Considerable diminucōn of the number of our Inhabitants Compared with preceding yeares & lists.

9. Generally all the Inhabitants of this province being Labourers are employed in planting tobacco except Coopers Carpenters some few that navigate sloopes and a very small number of other Artificers having relacōn to Tobacco all which excepted (by Estimacōn) make not above the 60th part of such labourers.

7. ffrom this province to England is exported tobacco except an inconsiderable quantity of ffurrs and Sasafrax roots.

8. This province hath little traffick with any other his Ma^{tys} Colonys in America or else where, and the litle traffick which is vsed is by exporting hence porke beife pipe staves timber and such like together with wheat ffLOUR & some small quantities of tobacco to Barbadoes either by small Craft belonging to this province or new England who trade here for Rum sugar & malasses most especially & some parcells of fish & some (inconsiderable) wooden wares of their owne manufacture & this province hath noe supply of any woollen manufacture else where but from England except that of the native wool of this province our necessity hath taught vs to make some course stockings & clothings for servants and slaves &c.

p. 37 9. The trade of this province Ebbs & flowes according to the rise or fall of tobacco in the market of England but yet it is manifest & apparent that universally less Cropps are made of late than formerly that is to say of tobacco for that the most & best land for that purpose is cleared & worne out which indeed thereby becomes fitter for tillage & the late greivous losses susteyned by the death of Catle hath sufficiently cautioned the Inhabitants by Tillage to make better provision against the late vnvsuall hard winters and to plant less tobacco, and especially the Country is in want of servants & negroes.

10. The present methods to prevent illegall trade is dilligent search & inquiry after illegall traders & present & impartiall Justice done vpon them when found according to the strictnesse of law tho it be to the disadvantage of this only province such traders as wee suppose finding a more remisse prosecucōn in our neighbouring Collonyes soe that wee beleive them all discouraged from frequenting this province.

11. The order of Council of the 14th of febr^y 1693/4 continued to be observed by the last fleet which sayled out of this province but it is many wayes discouraging & prejudiciall to the trade of this province. Original Journal.

12. The proclamacō of the 17th of August 1695 wee have reason to thinke hath very much reformed the illegall practices of the pensilvanians & reduced their tradeing in this province to a good & orderly method.

15. The southerne parts of this province especially on the Easterne Shoare viz^t in sumerset Dorchester & Talbot Counties afford greate quantities of greate streight and lofty pines fit for masts & yards of shippes of all rates they generally grew on low & levell ground near such Creekes & Coves as every high tide can float them most comonly within halfe a mile of the water and sometimes not ten rods from it the way levell & nothing renders the procureing of them difficult but the want of labourers & artificers for they would be sold where they grow at very moderate rates & the dietting of such labourers & artificers is cheape The Tarr made here is generally said to be more proper for timber then cordage likewise standards knees & other Crooked timbers fit as wee judge for the best shippes in England may be had here plentifully & cheap together with pitch tarr Rosum & hemp: but because such things have not bin inquired for, the Inhabitants have not applied themselves to the prepareing of them.

It is generally thought the old tobacco houses will afford Saltpeter. The scarcity of Artificers & labourers & their high wages is the cheife & onely difficulty in procureing those things of which there is an inexhaustible quantity. p. 38

16. The Sole & onely manufacture or rather producon of this province for merchandize or for supply in tobacco

Off late the Inhabitants on the west side of Delaware bay seating to the westward from that bay & the Inhabitants holding lands by graunt from the Right hon^{ble} the Lord Propriet^r of this province seating Eastward from Chesepeake Bay soe farr that now they intermix is already become & hereafter like to be occasion of Contention Vnless prevented by timely ascertaining the bounds of each province. And the Justices of Pensilvania harbour & Entertaine our fugitive mariners servants & others refuseing to deliver them back except wee can accuse them of ffelony or that the fugatives belong onely to his Ma^{ty}s men of warr to the very greate prejudice of the Inhabitants of this province;

Signed p ord^r W Bladen Clk Del.

The same are well approved off by his Ex^{cy} & his Ma^{ty}s hon^{ble} Council the following Quæries being onely offered

Original which are ordered to be drawne vp & layd before the house
Journal. Viz^t

By his Ex^{cy} the Govern^r & Council &c June the 8th 1697.

The houses answer to the severall Quæries of the R^t hon^{ble} the Lords of the Council for trade and forreigne plantacōns is received & well approved of the following Quæries being onely offered Viz^t

6. Article Quærie whether Sumerset & Dorchester Counties doe not partly imploy themselves vpon woollen manufacture &c.

8. Art. Indian Corne & wheate are likewise Exported & Quærie whether pensilvania & new England men don't bring in wooden ware.

p. 39 11. Quærie whether all single Shippes are obliged to call vpon his Ex^{cy} S^r Edmond Andros in Virg^a especially the shippes now in the Country pursuant to that order

12. Quærie whether the report of pensilvania & Carolina putting forward manufacture & handy craft trades be not one reason that causes many psons to goe out of this province to those places and another reason by psons holding such large tracts of land.

13 Quærie if the land at the head of the Bay were well settled & Cultivated the Soyle thereof would not be proper to produce all manner of English grain whereby to furnish this province with ffLOUR bread & beer &c

14. Quærie what sort of force is the best way to secure the province.

15. Quærie what methods are best to be taken for the Conversion of Indians.

16. Quærie what returne is to be made about the militia of this province.

The same being sent by the hon^{ble} Coll Greenberry & Coll Courts the 9th instant came answered from the house severally as followes Viz^t

6. Answer. This house doe not know that Sumerset and Dorchester Counties did Imploy themselves in woollen manufactures but vpon Inquiry doe find that heretofore when English goods for subsistance could not be had for any product of that place some few psons out of necessity did attempt making of linnen & woollen for support of nature which they were reduced to by necessity & without which many Subjects had perished and this house beleive that when the like Extreimity falls on them or any others of this province the like preservation will be endeavoured.

8. Answer. Indian Corne & wheate are made in this pro-

vince but very litle exported because vsed in the province & new England men did formerly bring in wooden ware but of late have not brought in any or at least very inconsiderable. Original Journal.

11. Answer. wee know not whether single shippes are obliged to call on the Govern^r of Virg^a or not but if they are is very prejudiciall to them & besides their delay a greate discouragem^t to them to come here and encouragem^t to them to go there.

12. Answer. Wee conceive that few p^{rs}ons or none have left this province to goe to Pensilvania & those that have wee vnderstand were induced to it by the Curren^y of money there which is not here & not through the Encouragem^t of Manufact^{rs} there & for large tracts of land wee are sensible that there is noe want of land to any that will settle here either by Lease or purchase the price of lands being fallen of late. p. 40

13 Answer. To the Inhabiting the land at the head of the bay wee conceive it will answer the intent & proposall of Cultivacōn if seated & wish it were soe.

14 answer. To the proposall what force would be most proper to secure this province wee conceive that the poverty of the place will discourage any such attempt and Considering the greate deserts betweene vs & any publick Enemy the present militia if well Armed may be sufficient for our defence.

15. Answer. The best way of Converting the Indians is by good example of the English & the Clergy Endeavouring to learne there language & thereby be capable of conversing with them.

16. Answer. As to the militia of this province wee conceive that the present Lawes & Constitutions are requisite to be continued till further Consideracōn can be had of the proposall of alteracōn, and in the meane time that his Ex^{ty} be humbly desired to give Comissions to the officers already nominated without which they cannot with safety act nor are the Soldiers bound to obey their Comands.

Brought from the house of Delegates by Maj^r Ennalls & M^r Sanders the following message & bills Viz^t

By the house of Delegates June the 8th 1697

Whereas severall lawes have been made imposing duties & laying impositiōns on divers Comodities & on offices for divers publike vses in the s^d lawes expressed & for that wee find there is sufficient money raised to answer the ends therein proposed according to the true intent & meaning of this house Wee humbly desire the same or soe many thereof as shall seeme good to y^r Ex^{ty} & this house may be repealed & abrogated the said Impositiōns being very much complained

Original of in the severall Counties and given in Charge to their
Journal. Representatives.

W Bladen Cl Del.

p. 41 It's Quæried from this board what those lawes are which the house desire to be Abrogated.

An Act for Quieting the differences arriseing betweene the Indians & English in private controversies Read first time and passed only to incert a reason that the bringing of them hither would put the Country to greate charge.

Anthony Workeman & Daniell Canons peticōns desireing to sell victualls & drinke Lycence free within this towne & port of Annapolis, were vpon Consideracōn that the same tends a publick good graunted accordingly his hon^r S^r Thomas Laurence agreeing thereto.

An Act for setling & Investing of a tract of land called Boothbys fortune vnto Henry Wallis read first time To which his Ex^{cy} does say th^t he should be glad to passe such a Law but that it is the Custome of Parliaments of England to heare both pties, therefore is not willing to passe it otherwayes.

An for Reformacōn of Jeoffailes in Maryland read first time & passed. His Ex^{cy} Recomending that they would Consult their other lawes & ascertaine what lawes of England would be proper to be of force in this province.

June the 9th 1697.

The Council againe sate & were present as yesterday with the Addicōn of Coll Jowles.

Sent by Coll Hutchins & Coll Courts the bills yesterday read & Remarke thereon together with workeman & Cannons peticōns who returne & say they delivered the same.

Came from the house of Delegates Maj^r Dent & Cap^t Hill presented Cap^t Henry Smith a Delegate chosen for S^t Maries County in order to be sworne who had accordingly adminstred vnto him in Council the oathes appoynted by Act of parliament to be taken instead of the oathes of Allegiance & Supremacy & Subscribed the Test.

A peticōn of M^r W^m Bladen read preferred to the house.

proposed that some Ordinance passe about changing the powder in the severall Counties & to Consider what way will be best to effect the same.

That an Ordinance likewise passe to oblige each County to keep the publique Armes belonging to the same in good repaire seeing the house would not consent to have a law therefore.

p. 42 Brought from the house of Delegates by Cap^t Tasker M^r Smith & M^r Blay the following Resolves & message Viz^t

By the house of Delegates June the 9th 1697.

Original
Journal.

Resolved by the House that the severall ministers inducted to any parish or parishes within the severall Counties of this province attend the Court house of each respective County & there read prayers each morning during the continuance of the County Court before the Court be called or the Com^{rs} proceed to doe any buisines & that if there be more ministers then one in a County that they take their turnes & read prayers one one Court & the other another.

Resolved that the respective Counties have Credit for the Supernumery Tithables of the late sheriffs since the yeare 1694.

W Bladen Cl Del.

Assented to by his Ex^{cy} }
his Ma^{ty}s hon^{ble} Councill }

Hen: Denton Cl Concil.

By the house of Delegates June 9th 1697.

Wee have perused the late Act of parliam^t relating to Scotch traders in these plantacons & also the other Acts of trade of king Charles the second & cannot find anything therein contained to debarr the naturalizacōn of any other nation vnles Scotchmen Therefore humbly pray y^r Ex^{cy} in regard the two persons proposed to be naturalized have long resided in this province & are not scotchmen but the one an Italian & the other a German that the Act for their Naturalizacōn be passt. signed p ord^r W Bladen Cl Del.

Ordered that an answer to the same be drawne vp which was done as followes Viz^t

By his Ex^{cy} the Govern^r & Council June 9th 1697.

The message by Cap^t Tasker & M^r Blay last sent about the naturalizing those two psons was recd & here read which his Ex^{cy} is willing to assent to provided there be an exceptōn therein soe farr as the late Act of parliament for preventing frauds & regulating abuses in the plantacōn trade will admit & allow off but not otherwayes.

Sign'd p ord^r Hen. Denton Cl Concil.

Ordered that the s^d answer be carried to the house by p. 43 the hon^{ble} Coll Hutchins in the morning.

June 10th 1697.

The Council again Sate & were present as yesterday.

His hon^r Coll Hutchins acquaints his Ex^{cy} that he has delivered the message last night given him in Charge.

Original Journal. A Lre from the R^t hon^{ble} the Lords of his Ma^{ty}s most hon^{ble} privy Council vnto his Ex^{cy} sent & directed bearing date the 27th day of August last past together with a printed proclamacōn issued by their Ex^{cys} the Lords Justices of England for Apprehending & seizing one Henry Every alias Bridgeman & others &c. being produced & read were Ordered to be layd before the house recomending that all imaginable dilligence be vsed for the discovering & apprehending all such pirats & sea Robbers as are therein mencōned Especially the s^d Cap^t Every & his men The said proclamacōn & Lre were delivered into the house accordingly by the Clerke of this Board.

Quærie whether the militia of this province as now armed be defence sufficient for a land force. His Ex^{cy} supposing that an Eighth part of them are not rightly Armed.

His Ex^{cy} does say that there is noe navall force within this province not soe much as a Shallop and that if the Country does Come to any damage for want of such navall force he quit himselfe of it and layes it vpon their heads that have refused to Adresse his Ma^{ty} thereabout

Quærie what is to be done with the ships that shall remaine in the Country after the men of warr in Virg^a (lately arrived) are gone The advice of the house being desired to know whether they shall be stopt or not.

Proposed that an Ordinance passe that noe tobacco be smoaked in any of the roomes of the State house vnder a penalty of 10^s to his Ma^{ty} towards repairing the s^d State house.

Brought from the house of Delegates by M^r Smith & M^r Boothby severall bills fairly Engrossed & assented to by the house which were severally read in order Viz^t

P. 44 An Act for Confirming titles of land given to the vse of the Churches & severall Chappells within this province & Impowring the Com^{rs} of the severall Counties & Vestrys of the respective parishes & take vp certaine parcells of land for the vse of the same.

Assented to by his Ma^{ty}s hon^{ble} Councill.

An Addicōnall Act to the Act of Assembly entituled an Act for speedy Justice for small debts. Assented to by his Ma^{ty}s hon^{ble} Council.

An Act ascertaining how & when execucōn shall be graunted for publick officers fees. Assented to by his Ma^{ty}s hon^{ble} Council.

An Act for Enabling M^{rs} Katherine Herman widow & relict of Coll Casparus August Herman decd to sell land in the port of Annapolis according to Contract of her s^d decd husband assented to by his Ma^{ty}s hon^{ble} Council.

An Act Impowring Comission^{rs} of each respective County Original Journal.
to purchase lands for the vse of their respective Courts.
Assented to by his Ma^{tys} hon^{ble} Council.

An Act for Reformatiō of Jeoffailes in Maryland.
Assented to by his Ma^{tys} hon^{ble} Council.

A Bill for Apporcōning the publique leavy being also brought was read the first time & passed.

Brought also a bill for Redressing the publick Credit which was likewise read & passed first time.

Severall Addresses being also produced & read were well approved off.

Proposal that what Lres are writt to be sent for England be signed by the hon^{ble} S^r Thomas Laurence Baronet Sec^{ry} on behalfe of his Ma^{tys} hon^{ble} Council & M^r Speaker in behalfe of the house of Delegates.

Brought from the house of Delegates by Maj^r Ennalls & M^r Hatton the following Resolve and bills Engrossed Viz^t

By the house of Delegates June 10th 1697.

p. 45

Resolved by this house that Maj^r Hamond & Maj^r Dorsey be appoynted Trustees to see the State house finished & to Im-
ploy persons to pale in & pave the State house to Tarr the
Roofe & fit vp the severall offices & other conveniencies pro-
posed. The said persons soe Imploy'd to be paid by this
house out of the publick Leavy. And the Gentl^m to be Con-
sidered and rewarded for their paines.

Signed p ord^r W Bladen Cl Delegates.

Assented to by his Ex^{cy} & his }
Ma^{tys} hon^{ble} Council } Hen: Denton Cl Concil.

An Act for the nralizacōn of Stephen ffrancis & George
Slacomb read and assented to by his Ma^{tys} hon^{ble} Council the
Excepcōn therein proposed being incerted.

An Act for quieting the differences arrising betweene the
Indians & English in private Controversies Read and assented
to by his Ma^{tys} hon^{ble} Council.

Ordered that the hon^{ble} Coll Greenberry & Coll Hutchins
returne all the aforemencōned bills together with the propo-
salls & Quarries to be layd before the house to morrow morning.

June 11th 1697.

The Council againe Sate & were present as yesterday

The messengers last night directed to goe with the bills &
doe say they have delivered the same into the house

Proposed that if the house doe not agree that the Lres

Original Journal. brought in by Masters of shippes should be left with the Collect^r &c. That they then appoynt & Impower some other pson or psons in every River to receive such Lres which is thought will be of greate vse to the Inhabitants.

Quærie whether the breeding of Indian youth in scholes & fitting them for the Vniversity in Virg^a will not be one good end and to effect the Conversion of the Indians.

Brought from the house of Delegates the following Resolves Viz^t

By the house of Delegates June 11th 1697.

It is ordered by this house that noe pson whatsoever presume to smoake tobacco in the new state house or in any of the Roomes or offices thereto belonging vnder the penalty of 10^s to his Ma^{ty} for Repairing the said State house. This ord^r to be affixed at the door of the said State house.

p. 46 Resolved by this house that it will be for his Ma^{ty}s Service that the shippes in the Country (after the men of warr are gone out of Virg^a) be pmitted to sayle.

Assented to by his Ex^{cy} & his Ma^{ty}s hon^{ble} }
Councill & ordered accordingly }

Hen: Denton Cl Concil.

Resolved by this house that the psons appoynted to Apporcōn the publick Leavy be hereby Impowred to order the paym^t of severall sumes of money to the severall psons that are allowed the same This sessions vpon the Journall of the Committee of Accounts out of the Publick Treasurers hands. Assented to by his Ex^{cy} & } W Bladen Cl Delegates.
his Ma^{ty}s hon^{ble} Council } Hen Denton Cl Concil.

A Bill for Apportioning the public Leavy read second time & assented to by his Ma^{ty}s hon^{ble} Council

Then read the following Vote & Resolve of the house brought by Maj^r Dent, M^r Blay & M^r fferry (with the aforementioned Bill) in relacōn to the publick Armes & powder in order to be passed into an ordinance Viz^t

Voted & Resolved that the Kings Armes & Country armes (distributed according to order of his Ex^{cy} the Govern^r & Council) be kept well fixed & in good repaire at the Country charge as also the carrying & removing to those places where they are lodged That the officer with whome the Armes powder or Amunicōn is or shall be lodged by order of his Ex^{cy} doe give two receipts for the same one to his Ex^{cy} the Govern^r another to be kept amongst the Councill Records

which Armes Amunicōn &^c not to be disposed off (except powder as shall be hereafter ordered) by the officers where vnles by Order of his Ex^{cy} or of the feild officers in case of Invasion or Insurreccōn (which God prevent) Vpon forfeiture of treble the worth of the s^d Armes and Amunicōn to be disposed off for purchasing more.

Original
Journal.

That vpon the dismissall death or Removeall of any officer with whome Armes & Amunicōn are lodged the next feild officer with one Cap^t doe imediately goe & take an Account of the said Armes & Amunicōn & secure them vntill they receive some further Order thereabout from his Ex^{cy} the Comand^r in cheife to whome they are with convenient speed to send. p. 47

That if it appeare the Armes & Amunicōn have beene Imbezelled by any officer with whome they shall be or heretofore have been lodged or by the heires ex^{rs} or adm^{rs} of any such officers that the value thereof shall be first satisfied out of the s^d decd officers Estate.

That Considering the powder of this province is generally decayed & of litle value it may be lawfull for each respective officer with whome it is lodged to sell or dispose of one halfe of the same provided within six months they provide the same quantity of good new powder in its place or answer for the same 12^s sterl to his Ex^{cy} & that if any such officer haveing disposed of halfe the old powder as aforesaid shall have put the same quantity of good new powder in its place, he may there dispose of the other halfe of the old powder in like termes & Condicōns, & that in case the s^d powder cannot be changed or disposed off as afores^d it be changed & made good yearly at the County charge to be assest by the Com^{rs}

W Bladen Cl Delegates

Assented to by his Ex^{cy} & }
his Ma^{tys} hon^{ble} Council }

Hen: Denton Cl Concil

The s^d Ordinance was by ord^r returned back to the house by the Clerke of this Board.

Brought from the house of Delegates by M^r Edward Boothby A Bill in relacōn to regarding the publick Credit of the Country &c. Intituled an Act ascertaining what shall be the sheriffs duty in & vpon returnes by them made for publick duties due & officers fees read 2^d time. And assented to by his Ma^{tys} hon^{ble} Council & was returned back to the house by the messenger that brought it.

Brought from the house of Delegates by Cap^t Tasker the Journall of the Comittee of accounts for the severall publick allowances made this assembly & passed by the house which being pervsed was well approved off & assented to by his Ex^{cy} & his Ma^{tys} hon^{ble} Council.

Original
Journal.
p 48 A Letter of the R^t hon^{ble} the Lords of the Council for trade & forreigne plantacōns vnto his Ex^{cy} sent and directed bearing date the first day of ffeb^{ry} last past being produced & read was by order layd before the house & recomēded for their Consideracōn one clause therein directing a paym^t of 20^l a pce vnto three ministers expected here into this province who had not had his ma^{ty}s gracious allowance His Ex^{cy} desires the same may be paid by the Country he haveing noe money of the kings in his hands.

The answer & Resolve of the house to the matters contained in the aforementioned Lre Came returned in manner following Viz^t

By the house of Delegates June 11th 1697.

His Ex^{cy} haveing Comunicated to the house a certen Lre by him lately recd from the R^t hon^{ble} the Lords of the Council for trade wherein it is intimated that the Quota or assistance formerly Ordered this province to Contribute to new Yorke is required to be now Complied the said Letter also intimating that there were three ministers expected into this province who had not had his Ma^{ty}s gracious allowance of 20^l a peece but that his Ex^{cy} vpon their arrivall is ordered to pay them the same & his Ex^{cy} desireing the same might be payd by the Country he haveing noe money of the kings in his hands,

Resolved nemine Contradicente that in case his Ex^{cy} draw soe much out of the publick Treasury of this province to be repaid out of his Ma^{ty}s money the first that comes to hand, & his Ex^{cys} order shall be a discharge therefore from the s^d Treasurers. That part of their L^dpps. Letter relating to new Yorke taken into Consideracōn.

put to the Question & Resolved nemine contradicente that the Gentl^m appoynted to apporcōn the publick Leavy this sessions are (in case they see a just occasion & lawfull authority & noe warr happening with our neighbouring Indians & the Govern^r & Council Consent therewith) hereby Impowred to draw out of the hands of the publick Treasurers the ballance of what money is now in banck in the publick Treasury being 154^l 5^s 3^d 2 & pay the same to such psons as shall be lawfully authorized to receive the same which shall discharge such Treasurers.

Assented to by his Ex^{cy} & his } W Bladen Cl Delegates.
Ma^{ty}s hon^{ble} Council } Hen Denton Cl Conl.

p. 49 The same was brought by Maj^r Hamond & Maj^r Dent who presented likewise a certaine bill Assented to by the house for the payment of 154^l 5^s 3^d 2 according to the Resolve of the house which being read was likewise assented to by his

Ma^{ty}s hon^{ble} Council & redelivered to the messengers They Original Journal. also signify that they were directed to acquaint his Ex^{cy} that the house is ready to Attend him in order to Compleate this Sessions. They are told that this Board is ready to receive them.

Came accordingly M^r Speaker attended with the whole house who being admitted presents vnto his Ex^{cy} the following Bills for his Assent Viz^t

An Act for Confirming titles of land given to the vse of Churches &c.

An Addiconall Act to the Act of Assembly intituled an Act for speedy Justice for small debts &c.

An Act ascertaining how & when Execucōn shall be graunted for publick officers fees.

An Act Empowring M^{rs} Herman to sell a lott of land in this port.

An Act Impowring the Com^{rs} of each respective County to purchase land for the vse of their Courts.

An Act directing & appoynting to what vse the severall Roomes in the State house in the Towne & port of Annapolis shall be appoynted.

An act for Reformacōn of Jeoffailes in Maryland

An Act for quieting the differences arriseing betweene the Indians & English in private Controversies.

An Act for the Naturalizacōn of Stephen ffrancis an Italian & George Slaycombe a German borne.

An Act for the ascertaining what shall be Sheriffs duty in & vpon returnes by them made of publick duties & officers fees.

An Accompt for apporcōning the publick levy.

An Act for payment of 154^l 5^s 3^d 2

The said bills were all carefully revised & perved His Ex^{cy} being pleased to expresse his assent to the same by the following Endorsement ordered by him signed to Viz^t

At the port of Annapolis June the 11th 1697.

p. 50

On behalfe of his Ma^{ty} King William the third &^c I will the s^d to be lawes.

ffr. Nicholson.

Afterwards the said Lawes passed the Broad Seale of this province.

The hon^{ble} S^r Thomas Laurence Baronet Sec^{ry} to whome the Custody of the mapp of the Towne of the port of Annapolis

Original Journal. was Comitted) produces to the whole Assembly the said Mapp casually spoyled in some parts by the Ratts who vpon Veiw thereof, are of opinion the same may wthout much trouble & charge be mended.

M^r Speaker p^rsents to his Ex^{cy} severall Addresses which being read were well approved off & signed as followes Viz^t

A Congratulatory Adresse to his Ma^{ty} signed by his Ex^{cy} the Govern^r his Ma^{tys} hon^{ble} Council & house of Delegates.

An Adresse of thanks to his ma^{ty} for appoynting the R^t hon^{ble} the Lords of the Council of trade &^c signed by his Ma^{tys} hon^{ble} Council & house of Delegates.

An Adresse to his Ma^{ty} relating to trade & Navigation signed by his Ma^{tys} hon^{ble} Council & house of Delegates

An Adresse to his Ma^{ty} about navigacōn bonds signed by his Ma^{tys} hon^{ble} Council & house of Delegates.

An Adresse to the R^t hon^{ble} the Lords of the Council for trade &c relating to the Assistance to be given to new yorke signed by his Ma^{tys} hon^{ble} Council & house of Delegates.

An Adresse to the R^t hon^{ble} the Lords of the Council for trade &c. about the bounds of Maryland signed by his Ma^{tys} hon^{ble} Council & house of Delegates.

Afterwards his Ex^{cy} was pleased to bespeake the Assembly in manner & to the effect following Viz^t

p. 51 M^r Speaker & you Gentlⁿ of the house of Burgesses. I thanke God that this Sessions is come to soe good an issue, this being now the third yeare since y^r first meeting together which by the Course of law would have put a period to this Assembly some time in September next. I am in his Ma^{tys} behalfe to thanke you for being Instrumentall in the makeing soe many good lawes which it's hoped will tend to the Glory of God, his Ma^{tys} hon^r & good of y^r Country being the three cheife and principall ends for which you were first and have hitherto beene called together And I thinke the Country is now finished with such a body of lawes as will answer those three ends if the same are put in due Execucōn without which they will prove vselesse ffor Lawes vnles put in Execucōn become but a dead Letter. Therefore do Recomend to you Gentlⁿ that are Magistrates to have a perticuler regard & care in that matter Hopeing there may be noe further occasion of calling another Assembly before next spring And what now remains is onely to let you know That in his Ma^{tys} name I doe dissolve you and therevpon they were dissolved

Thus ended this Assembly.

Hen: Denton Clk Concil.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND,

*At a Session held at Annapolis,
May 26-June 11, 1697.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

FRANCIS NICHOLSON,
Governor.

THE LOWER HOUSE.

Maryland ss.

Porte of Annapolis May the 26th 1697.

L. H. J.
p. 125

Journall of the House of Delegates.

Whereas this House by prorogation the 2^d day of October last stood prorogued untill the 23^d day of March last, before which tyme the same was further prorogued untill the 26th Instant.

According to the last prorogation met this day to witt Wednesday the 26th day of May in the ninth yeare of the Reigne of o^r soveraigne Lord William the 3rd King of England &c. appeared in the house.

Mr Speaker having taken the chaire.

For St Mary's City, Cap^t Tho^s Waughop.

St Mar. County, Kenelm Chesseldyn Esq. Mr Phil: Clark,
Mr John Lowe

For Kent County }
Col John Hinson
Lieu^t Col: Hans Hanson }

For Charles County }
Maj: Ja^s Smallwood
Mr Henry Hawkins }

For Ann Arundell County }
Major John Hammond
Cap^t Rich^d Hill
Major Edw^d Dorsey
Mr James Saunders }

For Baltemore County }
Mr Edw^d Boothby
Mr John Fery }

For Calvert County }
Mr Tho: Tasker
Mr Ffrancis Hutchins
Mr James Crauford
Majo: Walter Smith }

For Talbott County
Mr Robert Smith
Mr Thos. Smithson
Mr W^m Hemsley

For Dorchester County }
Mr John Pollard }

For Cæcill County }
Cap^t Edw^d Blay }

{ For Prince Georges County }
Col. Ninian Beall
Mr Will^m Hatton. }

L. H. J. Then came down to the house his Ex^{cy} the Gov^r and his Matys honble Councill, M^r Henery Denton Clk: to that hon^{ble} board and acquaints the house that his Ex^{cy} desires they will themselves or otherwise appoint a Co^mittee to view the publick buildings in this Towne.

p. 126 Resolved that this house will themselves view the same to morrow morning.

The house adjourned to 6 a Clock to morrow morning.

Thursday May the 27th 1697.

The house being mett was ordered to be called over, and the following members were absent Viz^t

Capt. Waughop, M^r Watson and M^r Frisby gone for England, M^r William Dent, Cap^t Philip Hoskins M^r George Ashman, M^r John Hall, Major Thomas Smithson, M^r William Coursey, M^r Francis Jenkins, M^r Scarborough, M^r Dixon, M^r Bosman, M^r Hooper, M^r Hicks, Major Ennalls Major John Thompson and Major William Barton.

Severall papers relating to publicke Buildings in this porte being read and the opinion of Justices of the Provinciaall Court and Gentlemen of the Grand Jury thereupon read.

Resolved that this house doe concurre with the said opinions that the same is good substantiall rough Worke and that they doe approve thereof.

The Journalls of the Gov^r proceedings, Rector and visiters of the ffree Schooles being read is well approved of.

M^r James Crauford and Major Walter Smith sent to his Ex^{cy} to acquaint him the house is sitting and desire to know the cause of this their appearance.

The said gentlemen returne to the house and say that they delivered their Message and that his Ex^{cy} will send down.

The appointed of the Comittee of accompts.

Major Thomas Smith	}	M ^r Tho: Tasker and	}
Major Walter Smith			

Appointed of the Co^mittee of Lawes.

M ^r Philip Clarke	}	M ^r Edward Boothby and	}
M ^r James Crauford			

Severall proposalls from his Ex^{cy} the Gov^r Layd before the house and Debated and Resolved thereon as followeth Viz^t

1st That the Reason why his Ex^{cy} has been pleased to conveene this Gen^l Assembly at this present Juncture, is because of the noise and disturbances occasioned by the

piscataway Indians, Mattowoman and Chapticoe Indians L. H. J. lately deserting their forts and withdrawing themselves unto the mountains.

The Reason of such their Deserting is presumed to be, upon the occasion of the late murder committed upon Mr Stodarts Negro Boy at the Eastern Branch of Potomack in Prince Georges County.

That the said mischief is conceived to have happened by reason of some grudge upon the account of Trade.

Therefore proposeth the Assembly will take such measures p. 127 either by act of Assembly to be made otherwise as for the future may best prevent the like evils.

2^{dly} That the present act of Assembly for the better regulating the militia of this province is at present altogether unpracticable and insufficient therefore that every four or five Taxables be obliged to find a Trooper or footman with necessary arms &c and that the act therefore be new modeled.

3^{rdly} That the Contry Credit is much undervalued and impaired, and the severall Sherriffs Complain and say the reason thereof is because of the shortness of their continuances in their said Employments.

Therefore proposes that a law be made to have two or three of the most substantial persons in every county to undertake the said office and pay the publick tobacco at certain places in the Contry.

4th That the Com^{rs} Expenses in attending their County Courts are not well Settled, his Ex^{cy} having had a complaint thereof from Somerset County.

5^{thly} That for saving charges to the countys of a new common when any of the Justices of the Countys dye or Remove themselves out of the county a Law be made to empower his Ex^{cy} Warr^t under his hand and seale to appoint a Com^r and such com^{rs} having taken the oaths appointed and incident to his office, to be thereby legally qualified to Sitt and act as a Com^{rs} in the said Countys as aforesaid.

6^{thly} That there is a great abuse intercepting and Imbezling peoples Letters in this province, and that the Assembly would make some Law to oblige Masters of Ships to deliver the same to the severall Collectors and that Mr Perry the post be obliged to call upon such officers for the dispatch of such Letters according to their severall Directions.

7^{thly} That a Lawe be drawn to confirme titles to Lands, whereon Churches and Chappels have been built, and to Enable the Vestrys where there shall see occasion to build churches or chappels to purchase land therefore.

House adjourned till 2 a Clock.

L. H. J. Post Meridiem. House mett. And proceeded to Resolve upon the proposalls from his Ex^{cy} the Governour as followeth.

1. And resolved that as to the first proposall relating to the Indians that the same be referred till Major William Barton appeare in the house

2^d Resolved that his Ex^{cys} proposall relating to the Act for the better regulating the Militia be referred to the Com^{it}tee of Lawes to consult and make report thereof if it be convenient that at present a Law bee made therefore.

3^d Leave given to bring in a Bill for redress of the public Credite.

4^{thly} Resolved that the County Com^{rs} Expences are allready well Settled.

p. 128 5^{thly} Resolved that his Excellencys proposalls relating to the appointing of a Justices of the peace by Warr^t under his hand and Seale be referred to the Com^{it}tee of Lawes to make reporte thereof to the house whether such Law shall be Enacted

7. Leave given to bring in a Bill therefore.
Then appointed the Com^{it}tee of agrievances.

Major Smithson	} Mr James Saunders and }
Major Ennalls,	
	Col. Hans Hanson . }

House adjourned till 6 a Clock tomorrow Morning.

Friday May the 28th 1697

House mett. And it being moved that severall Lawes of this province do want amendment Referred to the next assembly to appoint a standing Com^{it}tee to inspect the same and make their Reporte to the House.

House adjourned untill two of the clock.

post meridiem House meete and adjourned till 6 of the Clock to morrow Morning.

Saturday May the 29th 1697.

House mett. Absent Major Dent, Maj^r Thompson, and Major Barton.

The petition of William Sharpe read.

And voted and resolved nemine Contradicente, that the taking the pet^r and detaining him after he had purchased his Ma^{ty}s Write of Error and Supersedeas upon the very Judgm^t on which the Execution Issued is illegall and ag^t the course of the Common Law

Maj^r Thomas Smithson Chairman of the Com^{it}tee of agrievances presents the following Reporte Viz:

That the following agrievances often happens in the sev- L. H. J.
erall Countys (to witt) that the Sherriffes haveing the lists of
publick officers ffees to collect do (allthoug a receipt for the
same produced and sworne such Sheriffe) not takeing notice
thereof but execute Severall persons therefore.

Resolved that a bill be brought in for redress thereof.

2^{dly} That whereas there is a good Law in this province
restreining the County courts from takeing cognizance of any
demand under 200^{lb} tob^o and the provinciall Court under
1500^{lb} tob^o yet both these good Lawes are evaded by such
who in any times prosecute suites of contention rather than of
necessity wherein allthoug the demand be more than either
200^{ls} tob^o in the county courts or 1500^{ls} tob^o in the provinciall,
yett upon tryall it appeares the Just Ballance is under 200^l
tob^o in the county courts and 1500^l tob^o in the provinciall
Court. That an Act may be made that where the ballance in
the county courts doth not amount to 200^l and in the provin-
ciall 1500^l tob^o that the party plt: may be nonsuited.

And Whereas by the Lawes of this province an appeale p. 129
doth not Lye from the County Court to the provinciall Court
for 1200^{lb} tob^o and the Assembly thereby Intending that all
persons should rest satisfied with the Judgment of the County
Courts about su^{es} and to avoid Multiplicity of suites
and appeales. Yet many people who have been cast in such
suites in the respective courts of a Litigious and vexatious
humor when they cannot by common Law appeale as aforesaid
do yet contentiously and vexatiously evade and supercede
such Judgm^t by Injunctions out of the chancery to the very
great agrievance and vexation of many good people of this
province. Tho^s Smithson Chairman.

Resolved that a Bill be brought into stop Injunctions in
Chancery where the originall debt or demand exceeds not
1200^{lb} Tob:

M^r Philip Clarke chairman of the Comittee of Laws, pre-
sents the Journall of the said comittee which is approved of.

Also he presents the following reporte, with which the
house concurs Viz:

By the Comittee of Lawes &c.

Whereas it was referred to the comittee to draw up a Lawe
to oblige the Masters of Ships to change the Country powder
Especially during the warr tyme.

This Comittee having considered and debated the same
can not finde any way to compell Masters of Shipps to change
powder Especially during Warr tyme, powder being laid in

L. H. J. for defence and securing themselves' and the Same being Likewise ag^t Law.

This Committee being Likewise ordered to consider of a Law to be drawne in pursuance of his Ex^{cys} the Gov^{rs} proposall relating to his said Ex^{cys} appointing a Justice of the peace when any remove or dye by Warr^t under his hand and seale without putting the countys to the charge of a new Commission.

This Committee having seriously deliberated and debated this proposall do conceive it much to the advantage of the countys and Ease of the publick charge; but th^t it would be of dangerous consequences to make a law so contrary to the known Lawes of the Kingdom of England especially considering the Law impowering the com^{rs} of the county Courts for tryall of Criminalls which by severall adjudged cases of all the Judges of England.

It's Resolved that all Commissions of that nature ought to be under the broad seale And so consequently no person in a meaner Capacity capable of sitting Judge of the same.

The following reporte with the concurrence of the house thereto sent to his Ex^{cy} the Gov^{rs} Hon^{ble} Councill.

House adjourned till two of the Clock.

p. 130 Post Meridiem. House mett.

A Letter from the Right hon^{ble} the Lords of the Councill for Trade and fforeigne plantations wherein Severall Queries are putt Laid before the house for their perusall and consideration.

Also a Letter from the hon^{ble} the Com^r of the Customs requiring his Ex^{cy} to have a Bond prosecuted which was taken for the Shipp Expédition of Maryland that went directly to Caurressau a Dutch factory.

House adjourned till 6 of the Clock on Munday Morning

Munday May the 31st 1697

House mett. Major William Barton appears in the House. Severall proposalls from his Ex^{cy} the Gov^r and his Ma^{ty}s hon^{ble} Councill Layd before the house.

Whereupon Debated and Resolved as followeth Viz^t

And as to the first being a complaint from Somerset County that the Expences of the County Com^{rs} there at 80^{lb} Tob^o p^d are burthensome and grievous to the said County.

Resolved that his Ex^{cy} be addressed to Lessen the number of Com^{rs} in the said County.

A proposall from the said County of Somersett that some L. H. J. of the ablest ffreeholders of the County may be adjoynd with the Com^{rs} when they assess the County Levy.

Resolved that there is no occasion thereof since the County Levys are assessed in open Court and no one debarred from making Legall objections to any allowances therein.

That it is a great agrievance in the said County that poor men are chosen Constables who cannot well attend the said Imploy by reason of such their poverty.

Resolved that his Ex^{cy} and his Mat^{ys} Hon^{rb^{le}} Council be desired to direct the Justices of the severall Courts to choose abler men and richer that may better attend the said office of Constables.

2^d That Enquiry be made whether Col: Talbott did ever reimburse the County his Imprisonment fees.

Upon Enquiry this house do find that Col: Talbott never did reimburse the county the same.

3rd That there be some Law made to prevent Seamen, Servants from running away to other Governm^{ts} and to consider also therein a former proposall about Runaway Debtors and that if in case the house cannot agree about making such a Law at the present that then they would lay the same before his Ma^{ty}s in Council whereby his Ma^{ty} may be induced to send some Gen^{ll} order to the Severall adjacent Governm^{ts} for redress of the said Evills.

This proposall is refered to the comittee of Laws which are to reporte thereon to this house.

4th That a Law be made to lay an Imposition on all manner of Wooden Wares and ffish brought from New England and the other adjacent places and upon Sugar and Molasses Imported by Strangers.

Resolved that it is not convenient to make such Law.

5th That the Law about the Constables taking the list of taxables be better regulated.

Resolved that the said Law needs no amendment.

6th That some representation be layd before the Right hon^{ble} the Lords &c. desireing some end may be putt to the Dispute about the Divisionall Lyne and Bounds betwixt this province and pensilvania and that Major Whittington be sent for to give what accomp^t (he is able) to the house.

Resolve that the Committee of Lawes prepare an address to their Lordships therefore and that M^r Scarborough and Major Whittington attend the house thereupon.

7th That a Law be made for every person to ascertain the bounds of their Lands to prevent Law suits.

The above proposall referred to the next Gen^{ll} Assembly.

L. H. J. 8th That the house would enquire the Reasons amongst themselves that obstructed the generallity of the shipps this year and in particular the shipps Left behind this fleet from getting ready to sayle sooner proposed if a way can be found out whereby for the future they may receive quicker Dispatch in their business, also some late Councill proceedings and papers relating thereto Layd before the house.

Resolved that this house do finde the chiefe reasons of their hinderence to have been because the Ma^{rs} and Merch^{ts} hold their Goods at too deare a rate and their freight at too excessive prizes which together with the hardness of the last Winter hath been the occasion thereof.

As to the late Councill proceedings there about; the house do well approve of and concurr with them.

House adjourned till two of the Clock.

post Merediem. House mett again, to debate and resolve upon the following proposalls, thus viz^t

9th That a Law be made to Settle and confirme the Severall offices place of Judicature and other Conveniences formerly proposed to be made and done in and about the Stad^t house, and that a clause be therein incerted to oblige the Severall Collectors Naval officers and their Deputys &c. to bring all their lists of Shipping Certificates bonds Cocquetts and other papers relating to their respective offices to be delivered upon Oath once every yeare before his Ex^{ty} the Gov^r &c. in order to be securely Lodged in one of the Rooms of the said Stad^t house, and that a clause be also incerted about the Church.

Ordered, That the Comittee of Lawes prepare a Bill Therefore.

p. 132 11th That the Ditch be viewed and some care be taken about the building the two triangular houses and a Draw-bridge.

Resolved the said Ditch be finished and that Major John Hamond and Major John Dorsey be hereby appointed to see the same done and a Gate house built with a good Lock and Key. And that for the effecting the same

Ordered the publick Treasurer of the Western Shoare pay unto the said Major Hamond and Major Dorsey Eight thousand pounds of tob^o in Ann Arundell County.

12th That the Levy be proportioned this sessions, and that the Country have Creditte for the Rangers Arms, and the supernumerary Tithables the acc^{ts} whereof are herewith sent.

This house consent to and Concurr with the above proposall.

13th That a former proposall about Issuing forth comissions in chancery be considered a new according to former proposall again recomended.

Resolved that it is the Common practice and Custome of the L. H. J. Court of Chancery in England to Issue Comissions to Examine Evidences in perpetuum rei memoriam.

14th A former proposall for a Markett and fair to be kept in Towne the priviledging persons from arrests on those days is again Recommended.

Resolved that the Law for the advancement of the porte of Annapolis hath allready provided therefore.

15th That his Maty: be adressed that some parte of the Revenue given towards furnishing of Arms &c may (now the country is provided of such things to be layd out for small books &c: according to a former proposall and towards buying a Library.

Resolved that in regard to our present circumstances with our neighbouring Indians the proposall be referred to the next Gen^l Assembly.

16. That the parishes be more equally divided and named a new and that different names be given them.

The parishes are allready well layd out their Bounds recorded, and no complaint are made thereof.

17. That seeing the Country is destitute of any fortifications here his Majesty be addressed to send in a ffrigott to keep Crussing in these parts for Security thereof.

Resolved that there is no necessity to put his Mat^y to the Charge of such Cruser.

18th That M^r Bray be gratified for his trowble and pains taken about the Librarys having Respect also to the expences therein, according to former proposalls.

Resolved that a Letter be writt to M^r Bray.

19th That the house would impower some person to make an agreement about keeping a publick ferry betwixt this and Kent Island not exceeding the sume of 20000^l Tobacco.

Resolved that the charge of fferry is thought too burthen- p. 133
some to the province.

20. That whereas William Freeman the Brick Layer being runaway and left M^r Workemans house one of the publick buildings in this porte a greate parte thereof unfinished, the advice of the house is desired what is left to be done to effect the finishing thereof, there being left about 53^l Sterl: in hand to do it, two thirds of the charge being allready paid to the said Freeman as per Receipt appeares.

Referred till M^r Workeman appeares in the house.

21st Severall Letters from the hon^{ble} John Povey Esq^r in Relation to the affaires of this province how managed in England.

A Letter from the hon^{ble} Col: Andrew Hamilton with his proposalls about erecting a post office here.

L. H. J. Also a Letter from his Excellency Colonel Benjamin Fletcher his Matys: Gov^r of New Yorke together with his Excellency our Gov^{rs} answer to the Same Laid before the house for their consideration.

22^d M^r Jn^o Freeman's petition referred to this house rejected.

23^d Querey. Whether or not it will not be proper to encourage some small number of men to goe out beyond the mountains this Sum̄er upon Discovery.

Thought that the sending men upon that acc^t will be chargeable and burthensome to the Country.

24th proposed that the offices in the Stad^t house be first finished the same being likely to be first wanted. That the Fore doore be altered and a pediment placed over each of the outward doors as his hon^r Coll: Hutchins shall direct, that the Shingles be secured from Leakes &c

Quere Whether it may not be necessary the same to be tarred two or three tymes over. That the house be pailed round and paved Ann house of office built and conveniences for hanging horses on.

Proposed that some person be impowered to agree with workmen and finding materialls for accomplishing all the aforegoing matters, and making convenient and necessary shelves and Boxes for the offices where wanting, and about maeking and Setting up a pair of Stocks, pillory and Whipping post.

His Ex^{cy} is pleased to declare he has sent for a Copper vane and Broad pendent for the use of the Stad^t house.

Resolved as to the additionall Conveniencyes and things proposed to be done to the Stad^t house, the same are very necessary to be done and that Major Hamond and Major Dorsey be hereby appointed Trustees to agree with and imploy persons to doe and finish the same, who shall be paid therefore out of the publick levy of this province.

p. 134 25th That the house give their opinion Whether it be not convenient to have the Arms sent for in sanguined.

Resolved that it will be very convenient for the better preserving of them that they be sanguined.

The following Resolves sent to his Ex^{cy} and his Matys hon^{ble} Councill.

House adjourned till six a Clock to Morrow Morning.

Tuesday June the first 1697.

House mett. Then read over what was done yesterday.

Major Smithson presents the following Reporte from the Committee of Agrievances.

That humble addresses be made to his Ex^{cy} to enlarge the

authority of the County Court Comissions in all personall L. H. J. actions because the said Courts happen oftner than the provinciall Court.

Tho^s Smithson Chairman.

Resolved by the house that his Ex^{cy} be addressed to enlarge the Authority of such Courts in personall actions.

A Bill empowering the Commissioners of the respective Countys to purchase Land for Court houses for their Countys read the first tyme.

An additionall Bill to the Act for Recovery of Small Debts read the f^t tyme.

Proposed by a member of the house that some care be taken by a Law otherwise to Restraine the frequent and vexatious suites of appeales and Writts Error from the County Courts of this province to the provinciall for there formalitys in Law and many times for the Error of the clerks and attorneys who are not of Capacity to make their proceedings agreeable to the Strict Rules of the Law of England, for defect whereof the Judges of Law can not do otherwise than reverse the Judgment.

Leave is given to prepare a bill as above proposed.

A Bill for the naturalization of Stephen Francis and George Slacombe read the first tyme.

Then came down M^r Henry Denton Clk: of the Councill, and acquainted the house that his Excellency the Governour and his Majesties hon^{ble} Councill were Ready to entertain them in Conference relating to the Indians.

Whereupon the house resolved themselves into a Comittee of the whole house and goe up to his Ex^{cy} and his Majesties hon^{ble} Councill upon the Conference aforesaid.

Captain John Hans Tilghman called to the Conference, sayth that according to order of his Ex^{cy} the Gover^r and the honble Councill he went to the Susquehannah and Senequa Indians the head of the Bay, that the Delaway King and the Chawhanan King would have come along with him, but that three great men were gone abroad on hunting, and because he understood the rest were willing to come downe about a month hence, he did not bring them with him.

Reports that at Caristaugua the Susquehannah, Senequa p. 135 Indians have about forty lusty young men besides Women and children live within four miles of Caristaugua Lower

L. H. J. downe Submitt themselves and pay tribute to the Susquehannahs and Seneques.

That the Delaway Indians at Minguanon nine miles from the head of Elke River and fifteen miles from Christeen, about thirty miles from Susquehannah River are about three hundred men and are Tributary to the Seneques and Susquehannahs, Fifty of them live at Minguannon, the rest upon Brandywine land Creeks.

That the Susquehannahs, Delaway and Chevanores do take themselves to be and are inclinable to be under this province because of their hunting within the same betwixt Susquehannahs and potomack.

Reports that the King of the Delaway Indians bad him tell his Ex^{cy} that if his Indians might be Suffered to hunt betwixt Susquehannah and potomacke they would looke after the naked Indians and give notice of them.

His Ex^{cy} is pleased to aske the house if it will not be convenient to have the Indians at the head of the Bay come downe to the next provinciall Court.

To which they say it will be convenient that they doe come downe at that tyme.

Major William Barton gives the following ac^t in writing under his hands thus viz^t

That pursuant to the order of his Ex^{cy} and Councill he went into Virginia where the Empero^r of Piscattoway and the Indians under his comand doe now resort betwixt the two first mountaines above the head of occoquan River Lying neare Sixty or Seventy miles beyond the Inhabitants where they have made a Forte in that manner and Left the Province and wether they would returne again and to know if the Emperor and some of his great men would come downe to the assembly now sitting at Annapolis to discourse them and give the Country satisfaction about those things, and discover if they could the persons that comitted the murther in potomacke.

To which the Emperor and his great men made answer that one Reason of their going away was to secure themselves their Wives and children from the English who daily threatned them as they were informed Esspecially Col: Addison who taxed them severely with the murther of the negro Boy, and told them that there could be no murther comitted but what they either did or knew off, and that they had no body else to taxe but them; that they were but an hanfull of men, and went to and again doing this mischief in the Woods Like Wolves, and no body could prove any thing against them, and

that the Colonel should say he would come and take the Forte L. H. J. with thirty men.

And that they were informed Cap^t Halloday should say he ^{p. 136} would engage to take the forte with forty men himselfe.

And that they further said that M^r Stoddart and another man should offer to swear to two or three of their men that they were concerned in that murther which they knew to be an untruth for that none of them were concerned therein but suppose it to be foreigne Indians.

Another reason that they alledged for their goeing was that severall people bought their Lands over their heads, so that they had no certainty thereof without there leave, and that there would be neither hogs or shotts killed but they were still blamed for it and called Rogues and Doggs.

And that the English do yearly tyme after tyme pull down their fences and distroy their Corne fields with there horses before they can gather it.

As to their coming back they utterly refuse, also excuse themselves from coming to the Assembly being very weary and unable to travell so farr, but withall say that they desire to live peaceably there and to pass to and fro freely without trouble as formerly.

And that the English should be wellcome to come to their forte as often as they please.

And says that he finds the great part of the Indians are inclinable to returne to Maryland Especially the comon sorte of men and Women, and that Severall of them are allready come backe, and more resolve to come suddenly provided they may live peaceably and quietly, and that they see the English are not angry with them.

And that they speake very well of his Excellency ; Saying that they know him to be in no fault, but that he was allways very kind to them ; and that it was the men under him that continually abused them.

William Barton.

Then were read the Several Depositions of George Achey, William Clarkson, Thomas Gatton, Terrence Donin, Margaret Lewis, Robert Robinson, William Stinson, and Francis Marbury, relating to the Pisscattaway and Mountaine Indians, yet not particularly affecting them with the murther of the negro.

The Hon^{ble} Colonel Charles Hutchins being desire to declare what he knew of the Nanticoke Indians on the Eastern Shore.

Thereupon he relates that they have made a new Emperor, and that they entertaine and receive Strange Indians. Three cannoes full of Indians from the Western Shoare being mett some where about the Straights going over to them.

L. H. J. The hon^{ble} Colonel John Courts is asked to give an account of what he knowes of the Indians in potomacke.

Who says that on Wednesday last the Chaptico Indians came to his house and made complaint ag^t Mr Joshua Doyne p. 137. of St Mary's County for demanding Rent of them for the Land they now live on, which they have enjoyed peaceably these many yeares by grant from the Lord Baltemore and has taken from them two duple matts Bowls and Baskets, desiring some redresse therein.

They also complaine that Madam Blackstone threatnes for want of Satisfaction made her upon a certaine Judgm^t obtained ag^t them in the Colonels life tyme, notwithstanding they had sold skins towards payment unto the Clk: of the Councill, which tob^o the said Madam Blackstone says is not payd her, therefore desire some order therein.

They Likewise Complaine that one Barber has encroched upon their Land which they have a long tyme enjoyed.

Mr James Stoddart of the Eastern branch of potomocke in Prince Georges County giveth the following account relating to the Indians in writing under his hand thus.

That in ffebruary last there came to my house about sixteen Indians which Live (as I understode them) some where neer the mountains, they had with them Skins and ffurrs, which they offered to sale, the which I bought, when they went away signified that they would come again at the Spring of the yeare and bring some more skins: At this tyme there were some piscattaway Indians had theire Cabbins at my house, but in a few days after they went away. I asked the reason of theire going so soon from their hunting Quarters, they told me th^r Emperor had sent for them.

About the twentieth of March last haveing occasion of a silke Grass nett, in Order to buy one I went to the Indian fforte, and never having seen the Emperor, he told me he was very glad to see me. I told him my business, upon which he sent to enquire if there were any nets in the fforte the answer was returned there was none, afterwards they shewed me an old one they had bought, further in Discourse the Emperor asked me if no body came with me, and if I came from home that morning, that I came that morning from Mr Hutchysons, and that he directed me the way to the fforte, further he told me that there had been some Senequa Indians dealing with me. I told him it was so, he further told me that newes came to him two dayes ago that a man in Virginia was Shott by Indians, and be sent to see, and he found it false, he seemed to blame the English for raiseing such false reports.

On the thirde day of Aprill last I having been abroade and coming home late the night before, in the morning I went out

to my people to see their worke and what they had done, I L. H. J. was scarce sooner come out and talking with some of my people but we heard one of my negroes cry out, we all run out to see what the matter till I came to see about ten Indians naked not painted coming out of a branch running towards us, upon which I turned about and desired my people to make haste to the house, some tymes afterwards we found the negroe alive, who lived four dayes, I asked him if he knew any of the Indians, I asked him How many Indians he saw he told me three which he said were lodged in the lapp of a tree from whence he was Toting fence Railes, and as he was stooping to take up a Raile they shott him in at the back with an arrow and afterwards run up to him and knocked him downe, what they did else to him after knocking him downe fleaing his head and cutting off one of his Earrs he was not sensible. Since that time having been on board some shippes att the mouth of Petuxent at my returne my wife informed me that four of those Indians that formerly had traded with me, had been at my house with Each a burthen of Skins and would not be satisfied till they-gott a man to come to the Western Branch of petuxent to Looke for me, upon which she went up to them and finding that Cap^t Brightwall had seen and discoursed them, that then she bought what they offered to saile p me James Stoddert.

M^r Joseph Chew appearing here saith that an Indian that hunted for him, told him that in the Spring tyme some mischiefe would be done at James Stodderts plantation therefore he would live with him.

Cap^t Brightwell appearing in the house, saith that he and his men keep constantly out a ranging, and that they have enforted themselves therefore desires that he may have some small quantity of powder and Ball 2 picke axes, two spades and two shovels with some fusses and Granadoes.

The said Cap^t Brightwell is cautioned to keep his men out a Ranging and not to let them come to the Inhabitants.

Resolved that the Indians objections be answered and some proposalls made them, and that Col: Addison, Col: Courts, Esq. Brookes, Col: Beale, Major Smallwood, Major Barton, M^r Hutchison, M^r Hawkins, Cap^t Hoskins, M^r Dent, and M^r Hatton be appointed this Evening to draw up proposalls in Order to a treaty with them.

M^r Speaker and the rest of the members take their leaves and returne to the house.

House adjourned till two of the Clock.

L. H. J. Post Merediem, House mett.

The houses address to his Ex^{cy} for enlarging the County Commissions and M^r Sharps petition sent to his Ex^{cy} and his Ma^{tys} hon^{ble} Councill. by Cap^t Hoskins and Major Barton.

House adjourned till six of the Clock to Morrow Morning.

p. 139

Tuesday June the second 1697.

House mett, and read over what was done yesterday.

Ordered, M^r Rob^t Mason Treasurer of the Western Shore pay unto M^r Jn^o Perry 50^l Sterl: for his Sallary as post this yeare.

A Bill Impowering the Commissioners of the County Courts to purchase Lands for Court houses, read the second tyme and comitted for Amend^{mt} Viz: a salvo for Dorchester County.

An additionall Bill for the recovery of Small debts, read the second tyme and passed.

A Bill for the naturalization of Stephen Francis and George Slacombe read the second tyme and passed.

Proposed by his Ex^{cy} to this house that a Law be made for the Justices of the provinciall and County Courts to read over yesterdays minutes every morning, and at the beginning of every Court to Examine whether the last courts Records are made up or not.

Resolved that such bill be prepared.

House adjourned untill two of the clock.

post merediem, house mett.

And it being sygnified to them that his Ex^{cy} required them to come up and again Conferr with his Ex^{cy} and his Maj^{tys} honble Councill, where being admitted.

The Gentlemen appointed yesterday to draw up proposalls in order to a Treaty with the Indians present the following reporte viz^t

June the first 1697.

Att a Comitte by appointment of the Governour, Councill and house of Burgesses composed of the Councill and Burgesses for considering the Indians affair and making proposalls what may be most proper measures to be taking for Quieting their feares and secureing the province &c.

Present of the Councill

Burgesses.

Col. Addison

Major Smallwood

M^r W^m Hatton

Col. Courts

M^r Hawkins

M^r W^m Hutchison

M^r Tho^s Brooke

M^r Hoskins

M^r W^m Barton

M^r Dent

Colonel Beall.

Colonel Addison chosen chairman of the comittee Ch^r Gregory Clke:

Resolved first to proceed on the affaires relating to the L. H. J. piscataway and accokicke Indians, and thereupon was read the Reporte of Major William Barton to the Gov^r and Council, upon what passed between him and the said Indians upon his being sent to them and their answer to him, and upon their first answer relating to their Reasons of Deserting the Forte.

This Comittee say upon perusall and examination thereof p. 140 they perceive the Indians built their faith upon reporte that Colonel Addison and others should say such things of them, but whether true or noe, they had no certain grounds, for they never went to the Governour to enquire ; but on the contrary the Comittee find the English had some reasons even from their own mouths to suspect them for that murther, and for which they ought either to acquitt themselves or make some Satisfaction for.

And therefore it may be proposed to them that if they will discover the murtherers if they know them, he or they shall be freely pardoned, and him or them all received unto the same articles of peace that were last made with them upon their renewing and confirming them, and if they will not or cannot finde and deliver the murtherers that then, the Indians make payment of 80 drest buckskens, for the value of the negroe and in such tyme as the persons appointed to treat with them shall consent to.

That upon the performance of either of these proposalls returning to the place of their former abode or Elsewhere neare the English as shall be agreed on, all former Injuries to be passed by and pardoned, and particularly the Annacostian King to be Received into the same Articles of peace and friendship with the Rest.

As to their allegation of having their Lands purchased from them and their Corne fields pulled downe, and their being blamed for killing the hoggs &c: We conceive it may be proposed to them that the English do not care for their Land being in no want of it.

And if any persons have seated within their Bounds, Its not by Direction of the Government nor by their consent, and if such persons have not the Indians consent for it, they shall either make them satisfaction or Remove as the Government shall think fitte.

And if they are blamed about the English Stocks, it may be cause for it, nor can the Government prevent private suspitions, but doe assure them they shall not be punished without due proof made against them according to the proceedings against others.

And as to the English pulling downe their fences, if they can make any such thing appear they shall be called to accompt for the same.

L. H. J. And if Proved ag^t them punished according to the Law of the Country.

And for Speedy reliefe in these cases fitting persons shall be appointed adjacent from whome upon application made, redress shall be had.

3^{rdly} That as to their refusall of retaining and excusing themselves from coming to this Assembly, It may be observed to them, that as the Government will not do any Injustice or impose any unreasonable taske upon them, so they cannot but Resent it very ill of them by this Rashness, and unadvisedness
p. 141 to breake their Articles with us in Leaving their Established places of abode withdrawing themselves so suspitiously in the night tyme, and putting us to so greate charge to finde them out.

And notwithstanding that for them to Refuse to come back and live as formerly they were wont. And therefore if they all come in, and settle themselves according to their former Articles as is already said, the former Articles shall be confirmed to them, or if they do not all agree to come that the same shall be to those that doe come in, provided they doe immediately upon their coming in apply themselves to such persons as shall be appointed, and give in their names that we may know who are our friends and who not.

And that for all such as will not returne upon the proposalls by a day certain, we doe refuse all entercourse of trade or commerce with them, and to that end that caution should be given them to forbear at their perrill to come or appeare within the Bounds of this Province, for that if they do without coming in as aforesaid they be certainly deemed as Enimies and treated accordingly.

And to prevent all Mistakes of friends for Enemies, We doe ffirmly enjoyne and require all those that doe come in under the penalty of forfeiting our friendship, not to harbour, entertaine, or detain any of those Indians of them nations that are now absent, or that doe not come in and give up their names as af^d for that if they doe we shall looke upon them as confederating with our Enemies.

4^{thly} We also propose that a Copie of what terms wee make to the Indians may be laid before his Ex^{cy} the Gov^r of Virginia, that thereby that Government may see the Justice of our proceedings with them, and be an inducement to them not to believe or countenance any of their allegations and harbour them in their contempt and breach of Articles with us.

We also propose that it may be requisite under the present Juncture to send a certain number of Gen^t of this Government not Less than ten to the Indians to make knowne to them these our proposalls and to treat with them thereon, and also

to discend to particulars with them in that treaty and that they L. H. J. have a Latitude of Discretion left with them so farr as the Government, shall think fitt and convenient particularly about the place of their being if proposed

6^{thly} That according to the first proposalls to the Indians, We conceive that some sober and discreet persons being appointed nerely resident to [every one] of the Indian Towns to heare and determine any complaint, either of the Indians or English, with one another.

And the determinations of such persons shall be binding to both partyes unless the matter be of so great moment as to require an appeale to the Governo^r and Councill in such cases if either of the persons to heare and to determine the matter p. 142 thinke fitt, or either of the partyes desire an appeale to the Gov^r and Councill they shall be there transmitted with their complaint.

Then the Co^mitee proceed to examine the Reporte of Col^o Hutchison whereby those Indians seem charged with Entertainment of Strange Indians and turning out the Empero^r and choosing a new one without the Governo^{rs} consent and approbation contrary to Articles.

We propose that the Indians may be sent fore before the Gov^r and Councill and they cautioned of that their breach; and the new chosen Empero^r either confirmed or revoked as thought fitt.

And if the Governor and Councill thinks fitt to pass this error by for the present that yet they be cautioned to give no more occasions for that they will not be endured.

And that if any strange Indians for the future come to them It shall be sufficient for them to give notice to the persons appointed, of the number and nation of such Strangers.

7th Then as to the Comp^l of the Indians to Col: Courts of the violence offerred them by M^r Joshua Doyne and the misunderstanding between them and Madam Blackstone, We propose that the partyes be sent for before the Gov^r and Councill and the matter to be there heard and determined as in their Wisdom shall be thought fitt, and for the future all such complaints to be heard and determined by the persons appointed for that purpose.

8th That because there happens many complaints about the bounds of the Indians Lands, and many Jealousies may arise about it.

We therefore propose that the persons to be appointed to heare and determine such differences do call to their assistance six or eight of the most substantiall neighbours living in the Towne, and heare and determine the Indians claims according to the best testimony that they can gett, lay out the bounds of

L. H. J. their Lands and marke them by lines and trees in the presence of the neighborhood af^d and the better to keep in remembrance such Bounds and to transmitt the same down to posterity that the said persons and so many of the neighbourhood with the great men of the Indians goe round the Bounds once every three yeares, and new marke and Lyne the Bounds.

9. This Comittee are informed that the strange Indians that are at the head of Potomocke neare the mountains do belong to and are part of the nation of Indians at the head of the Bay of the Susquehannahs who are in peace and Amity with us.

Therefore we propose that caution may be given to that King either to call in them Indians or to be accomptable and answerable for them in case of any Injurys.

P. 143 10th The Comittee propose that what measures are resolved on with the Indians be immediately put in Execution by present sending to them, which will enable them to make corne if they returne and prevent their confederating with Strange Indians which longer tyme would give oppertunity of.

Ch^r Gregory Clk:

The said proposalls being read were all approved off respect being had to the value of the negroe Eighty bucke skens being thought too little, but left to the discretion of the persons appointed to treat with them.

And thereupon Resolved, that the Hon^{ble} Colonel Addison, Thomas Brooke and Thomas Tench Esq. Gen^t of his Ma^{ty}s hon^{ble} Councill, Major Smallwood, Major Barton, M^r Hutchison M^r John Hawkins M^r Jn^o White and Cap^t Phillip Hoskins goe immediately to the piscataway and Accockicke Indians upon the Treaty af^d and that Henry Moore goes their Interpreter.

Ordered that M^r Perry the post be sent with a copy of these proposalls to his Ex^{cy} S^r Edmond Andros his Matys Gov^r of Virginia.

As to the Chapticoe and nanticoke Indians his Ex^{cy} is pleased to say they need not to come here for that God willing he will be there this summer.

Resolved that Major Thompson and M^r Vanderheydon of Cecill County, M^r Boothby and Col: Marke Richardson of Baltemore County be sent to the Indians at the head of the Bay to give them caution either to call in the mountain Indians or to acquaint them that we expect they should be answerable for them if any Injurys happen to be done as also to acquaint them what measures we have taken with the piscataway Indians.

His Ex^{cy} is pleased to declare that he never tooke any

presents of the Indians, but what he rather gave them more in L. H. J. value, and that he never tooke what was offered him but only one Skine of a sorte.

Ordered that Cap^t Hans Tillman bring downe the Indians at the head of the Bay to the Gov^r and Councill ag^t the next provincially court being accordingly sworne Interpreter.

The said Hans Tillman is also ordered to go along with the Gen^t to the Indians at the head of the Bay.

Ordered that the 2 Cap^{ts} of the Rangers, each have ten Grannadoes ten ffusses, two Spades, two pickaxes and two shovells delivered to them, and that the Colonells of Prince Georges and Baltemore Countys deliver them viz^t each, Cap^{ts} Brightwell and Oldton 50^{ll} of powder with fflint and Ball equivalent the same to be returned backe and not made use of but upon action.

M^r Speaker and the Rest of the members take leave of his Ex^{cy} and repaire again to the house where M^r Speaker having taken the Chaire.

Adjourned the house till 6 of the Clock tomorrow morning.

Thursday June the 3^d 1697. House mett.

An additionall Bill to the act for Recovery of Small Debts the third tyme and passed.

A Bill for purchasing Lands for Court houses read the third tyme and sent to his Matys: Hon^{ble} Councill by Major Walter p. 144
Smith, Major Barton, Major Smallwood, M^r Hutchison and Cap^t Hoskins.

Leave given to bring in a bill to enable M^{rs} Catharine Herman to make sale of a Lott of land and two houses in this porte according to her late husbands contract with M^r Gerard Vanswerringen.

The house adjourned till two of the clock.

post meridiem. House mett.

A Bill Impowering M^{rs} Herman to sell land in this porte according to her late husbands agreement read the first tyme and passed.

Put to the Question if the Gentlemen appointed to go and treat with the Indians shall have Leave to departe House in order to their Journey.

And carried in the affirmative nemine Contradicente

Resolved the following Message be sent to his Ex^{cy} the Gov^r and his Matys: honourable Councill We have given leave to our severall members appointed to goe upon the Indian Treaty to departe the house in order to their Journey, but humbly desire it may not oblige us to Tarry for their returne.

Signed p order

W. Bladen Clk. house Del.

L. H. J. Sent by Cap^t Hoskins and Major Walter Smith.
House adjourned till 6 of the clock to Morrow Morning.

Friday June the 4th 1697.

House mett and read over what was done Yesterday.

The Severall members appointed to goe upon the Indian Treaty to take leave and departe the house.

A Bill enabling M^{rs} Herman to sell land in this porte according to the Late husbands contract read the second tyme and passed.

It being proposed by his Ex^{cy} that a law be made to appoint two persons in each County neare to the Indians to heare and determine all controversies and disputes between them and the English.

Resolved such Bille be prepared.

House adjourned to six of the clocke to Morrow morning.

Saturday June the 5th 1697.

House mett, and read over what was done yesterday.

Referred to the Comittee of Laws to consider of a Bill for selling Colonel Talbotts efunding the Country his Imprisonment ffees.

Major Hutchison, Cap^t Hill, and M^r Robert Smith added to the Comittee of Lawes. A Bill impowering the vestrys to
p. 145 purchase Lands for churches and Chappels and confirming the Titles of Land, whereon churches are built read the second tyme.

A Bill impowering M^{rs} Herman to sell Land in this porte read the third tyme and passed nemine Contradicente.

Moved that the Right hon^{ble} the Lords of the Councill for Trades be addressed for a Seperate Convoy for this Country.

Resolved that it will not be convenient to address their Lordships for such convoy, in regard that the Virginia Fleet may have quicker dispatch then ours and thereby forestall our markt of Tobaccoc.

M^r Clarke presents the following reporte from the Comittee of Lawes.

It being referred to this Comittee of Lawes to consult the old Law for Regulating the Militia of this province.

The Comittee haveing seriously and deliberately consulted the old Law, and debated the severall proposalls of his Ex^{cy} to be enacted into a new Law do finde that the said proposalls tend much to the regulating of the Militia, as likewise the case of the poorer sorte of Inhabitants.

But for as much as there is an appearance at this tyme of

some Disturbance with the Indians, doe not thinke it a proper L. H. J. tyme to sett a Law aside that the Inhabitants are so well acquainted with, as Likewise considering that severall of the new proposalls if enacted into a Law, yet it is impossible to put the same in execution this twelve months at the least therefore the Committee are of opinion, that a copy of the said proposalls be drawn out for every county of this province, to the end that the Inhabitants of each county may consider of the Same; and give it to their Delegates in charge to the next Assembly. It being not usuall for parliaments or assemblies to enact Lawes altogether new until first acquainting the people therewith and having their sanction.

Signed p order

Henry Loftus Ck: of the Conference.

Resolved this house doe concurr with the Reporte of the Committee, and that the same be sent to his Ex^{cy} the Gov^r and his Matys hon^{ble} Councill, by Major Thomas Smith, Major Dent, and Major Ennalls together with the following Bills, Viz^t

A Bill ascertaining how and when executions shall be granted for publick officers fees, read the first tyme and passed.

A Bill for ascertaining the Rooms and offices in the new Stad^t house read the first tyme. And a Bill for purchasing Lands to build churches on and read the second time.

House adjourned till 2 of the Clocke.

post merediem. House mett. Resolved the following message be sent to his Ex^{cy} and his Ma^{tys} hon^{ble} Council.

By the house of Delegates June the 5th 1697

p. 146

The house desire what Bills have passed the hon^{ble} board may be forthwith transmitted to them in Order to be engrossed.

Signed p ord^r W Bladen Clk: house of Del.

Sent p M^r Hawkins and M^r Bosman, who retorne and say they have delivered their Message.

Then came downe from his Matys hon^{ble} Councill Colonel Greenberry and Colonel Hutchins and bring downe the Bills this day sent up.

A Bill for Reformation of Jeofails in Maryland read the first tyme.

House adjourned till 6 of the clock on Munday morning.

L. H. J.

Munday, June the 7th 1697.

The house Being mett was read over what was done on Saturday.

The house taking into consideration how the province should be reimbursed Collonel Talbotts Imprisonment ffees do finde by the Reporte of the Comittee of Lawes that Colonel Talbott was attainted and convicted of Felony, and afterwards had his Matys: pardon.

Therefore Do Quere whether the Rights of the said Lands do belong to his Majesty, the Lord Proprietor or the heirs of the said Colonel Talbott. If in his Maty: or the Lord Proprietor, then not in the power of this Assembly to make a Law for the Sale thereof. If in the heirs of Talbott, yett there ought to go legall process out for the said Debt, before such a Law can be Justly made.

Therefore referr the proposall to the next Assembly to examine his pardon.

Resolved that a bill be prepared to Impower two of the Councill and one Burgess out of each County the 11th day of October next to meet at this porte and apportion the publique Levy for the following reasons Viz^t Because that if the Assembly tarry here to apportion the Levy It will occasion at Least thirty thousand p^ds of Tobacco Charge. neither are the List of Taxables returned as yet therefore till such time as they are returned the Levy cannot be equally assessed.

Ordered that W^m Bladen be Clk: to apportion the said Levy.

House Adjourned till six of the clock to morrow morning.

Tuesday June the 8th 1697.

The house mett, and read over what was done yesterday.

A Bill ascertaining how and when Executions shall be granted for publique officers ffees, read the third tyme and passed for engrossing.

A Bill for Reformation of Jeofails in Maryland, read the second tyme.

House adjourned till two of the clock.

Resolved the following message be sent to his Ex^{cy} and his Maty^s hon^{ble} Council.

p. 147

By the House of Delegates June the 8th 1697.

Whereas severall Laws have been made imposing Dutyes and laying Impositions on divers Commodities and offices for

divers publique uses in the said Laws expressed and for that L. H. J.
we finde there is sufficient money raised to answer the ends
therein proposed according to the true intent and meaning of
the House, We humbly desire the same or so many thereof
as seem good to your Ex^{cy} and this house, may be repealed
and abrogated, the said Impositions being very much Com-
plained of in the Severall Counties as given in charge to their
Representations.

Signed p order
W^m Bladen Clk of the House of Del.

Sent by Major Ennalls and M^r Saunders together with a
Bill for Reformation of Jeofailes, and a Bill for Quieting the
differences arising between the English and Indians.

Moved by a member of the house whither it be lawfull for
the Sherriffe to arrest any person on board of Shipp within
his Bayliwick.

Resolved that such an Arrest is a Legall Caption.

House Adjourned till 6 a Clock to morrow morning.

Wednesday June the 9th 1697.

House mett. Cap^t Henry Smith appeares in the house as
a new Elected member for St Marys County.

Major Dent and Cap^t Hill sent along with him to his Ex^{cy}
and to his Matys hon^{ble} Councill to have him sworne who
returne and say they saw the usual oathes administered to
him which he tooke.

Whereupon he is ordered to take his place in the house.

Then came the hon^{ble} Colonel Hutchins and Colonel Courts
and brought down from the Councill Board, the Bills yesterday
sent up.

A Bill for redressing the publick credite, read the first
tyme.

A Bill for apportioning the publick Levy read and Comitted.

Severall Quereis in a Letter from their Lordships the Lords
of the Councill for Trade and plantations Laid before the
house.

And are answered as followeth. And the 4th Query, Viz:
That few or no familys are come in to this province to reside,
Especially from Pensilvania, and few or none remove from
hence to the proper province of pensilvania, only some single
persons mostly women are of late come from England or
Ireland in the quality of Servants about sixty soules; and some
few of the meanest Inhabitants to avoid the prosecution of
their Creditors have chosen to Shelter themselves among the

L. H. J. Inhabitants of the Lower Countyes on Delaway Bay and Pensilvania. And indeed the low price which the planter hath of late been constrained to accept of from the Merch^t hath obliged many here finding their Industry would not supply their necessities to try their fortunes else where to the apparent and considerable diminution of the number of our Inhabitants compared with preceding years and lists.

p. 148 6th Generally all the Inhabitants of this province being Labourers are employed in planting Tob^o except Coopers and Carpenters, and some few that navigate Sloops and a very Small number of other Artificers having relation to Tobacco all which (excepted by estimation) make not above the 60th part of such Labourers.

7th From this province to England is Exported Tob^o except in inconsiderable Quantity of Furrs and Sassafriz Roots.

8th This province hath little Traffique with any other his Matys Colonies in America or Elsewhere. And the little traffique which is used is by exporting hence, porke, beefe, pipe Staves, Timber and such like together with Wheate flower and some small quantity of Tob^o to Barbadoes either by small craft belonging to this province or to new England who trade here for Rume, Sugar and Molassis most especially some parcells of ffish and some inconsiderable Wooden Wares of their own Manufacture.

And this province hath no supply of any Woolen Manufacture else where but from England except that of the native woole of this province, our necessities having taught us to make some coarse Stockings for Servants and Slaves &c.

9th The trade of this province ebbs and flowes according to the rise and fall of tob^o in the Markett of England. But yet it is manifest and apparent that universally less Cropps are made of late then formerly, that is to say of Tob^o for that the most and best land for that purpose is cleared and worne out which indeed thereby becomes better for Tillage, And the late grievous losses sustained by the death of Cattle hath sufficiently cautioned the inhabitants by Tillage to make better provisions ag^t the late unusuall hard winters and to plant less tob^o and especially the Country is in want of Servants and Slaves.

10th The present Method against illegall trade is to make diligent Search and Enquiry after illegall Traders, and to have present and Impartiall Justice done upon them when found according to the Strictness of Law, tho'gh it be to the disadvantage of this only province, Such Traders (as we Suppose) finding a more remiss prosecution in our Neighbouring Colonies, so that we believe them all discouraged from frequenting this province.

11th The Order of Councill of the 14th of february 1693/4 continued to be observed by the last fleet which Sailed out of this province but it is many ways discouraging and prejudiciall to the trade of this province. L. H. J.

12th The Proclamation of the Seventeenth of August 1695 We have reason to thinke hath very much reformed the Illegall practice of the pensilvanians and reduced their Trading in this province to a good and orderly Methode.

The Southerne parts of this province especially on the Eastern Shore Viz^t in Somerset, Dorchester and Talbott Countys afforde great quantity Streight and Lofty pines fitt for Masts and Yards of Shippes of all rates, they generally grow on Low and levell ground neare such creekes and Coves as every high tyde can floate them, most comonly within halfe a mile of the Water and some tymes not ten Rodds from it, the way levell and nothing renders the procureing them difficult, but the want of Labourers and Artificers, for they would be Sold where they grow at very moderate Rates, and the dieting of such Labourers and Artificers is very cheap. P. 149

The Tarr made here is generally said to be more proper for tymber them Cordage, Likewise Standards, knees and other crooked tymber fitte we Judge for the best Shippes in England might be had here plentifully cheape, together with pitch, Tarr, Rope and Hempe, but because such things have not been enquired for, the Inhabitants have not applyed themselves to the preparing of them.

It is generally thought that the old Tobacco houses will afforde Salt peter. The Scarcity of Artificers and Labourers and theire high wages is the Chiefe and only difficulty in procuring these things of which there is an unexhaustable Quantity.

16th The Sole and only Manufacture or rather production of this province for Merchants and Shippers Supply is Tobacco.

Of late the Inhabitants of the West side of Delaware Bay seating to the Westward from the Bay, and the Inhabitants of this province holding Lands by grant from the R^t hon^{ble} the Lord proprietary of this province seating eastward from Chesapeake Bay so far that now they intermix is allready become and hereafter likely to be occasion of Contention unless tymely prevented by ascertaining the Bounds of each province.

And the Justices of pensilvania harbour and entertaine our fugitive mariners, servants and others, refusing to deliver them backe except we can accuse them of felony or that the fugitives belong only to his Maty^s men of Warre to the very great prejudice of the Inhabitants of this province

Signed p order.

W Bladen Clk: to the house of Delegates.

L. H. J. Ordered that the following resolve of this house be sent to his Ex^{cy} the Gov^r and the hon^{ble} his Matys: Councill.

Resolved by this house that the Severall Ministers Inducted to any parish or parishes within the Severall Countyes of this province attend at the Court house of each respective County Court before the Court be called, and there read prayers during the continuance of each Court every morning before the Court sitts or the Com^{rs} proceed to do any business And if there be more Ministers then one in a County that they take their turns and read prayers, one one Court and the other another.

House adjourned till two of the clocke.

post Meridiem. House mett.

p. 150 Resolved the following Message be sent to his Ex^{cy} and his May^{ty}s hon^{ble} Councill Viz^t

By the House of Delegates June the 9th 1697

We have perused the late Act of Parliament relating to Scotch Traders in these plantations and also the other Acts of Trade of King Charles the Second and cannot finde anything therein contained to debarre the naturalization of any other nation unless Scots-men.

Therefore we pray your Ex^{cy} in Regard the two persons proposed to be naturalized have Long resided here and are not Scots-men, but one an Italian and the other a German, that an Act for their Naturalization may be passed.

W. Bladen Clk:

Sent by Major Smith and M^r Tasker and Cap^t Edward Blay.

The came the hon^{ble} Colonel Greenbury and Col: Courts with the following Queries from his Ex^{cy} the Gov^r and Councill, which are thus answered viz^t

By his Ex^{cy} the Gov^r and Councill &c. June the 8th 1697

The houses answer to the R^t hon^{ble} the Lords of the Councill for Trade &c. is received, and well approved of, the following Queries being only offered viz:

6 Ar. Query whether Somersett and Dorchester Countys do not partly Imploy themselves upon Woollen Manufactures.

Ans^r This house doe not know that Somersett and Dorchester Countys doe imploy themselves in Woollen Manufactures; but upon enquiry do finde that heretofore when English goods for Subsistance could not be had for any product of that place, some few persons out of necessity did attempt making of linen and Woollen for supporte of nature

which they were reduced too by necessity and without which L. H. J.
many Subjects had perished. And this house believe when
any extremity falls on them or any others of this province the
like preservation will be endeavoured.

8. Article. Indian Corn and Wheate are likewise exported.
Query whether pensilvania and New England men doe not
bring in wooden ware.

Answer. Indian Corn and Wheate are made in this pro-
vince, but very little exported because used in the Province,
and New England men did formerly bring in Wooden ware ;
but of late have not brought any or at least very inconsiderable.

11th Query. Whether all single shipps are obliged to call
upon S^r Edmond Andros in Virginia especially the shipps now
in the Country pursuant to that order

Answer. We know not whither single Shipps are obliged
to call on the Gov^r of Virginia especially the Shipps now in
the Country pursuant to order. But if they are it is very
prejudiciall to them, and besides their delay a great discour- p. 151
agement to the trade of this province, being discouragement
to them to come here, and encouragement to them to go there.

12. Query. Whether the Reporte of Pensilvania and Caro-
lina putting forward Manufacture and handicraft Trades be
not one Reason that causes many persons to go out of this
province to these places, and another Reason by persons
holding such large Tracts of lands.

Answer. We conceive that few persons or none have left
this province to go to Pensilvania, and those that have, We
understand were induced to it by the currency of money there
which is not here, and not through the encouragement of
manufactures there, and for large Tracts of land.

We are sensible that there is no want of Land to any that
will settle here either by Lease or purchase the price of lands
being fallen of late.

13th Query. Whether if the Land at the head of the Bay
were well settled and Cultivated the Soyle thereof would not
produce and be proper for all manner of English graines
whereby to furnish this province and the Shipping with flower,
bread and beer &c.

Answ^r To the Inhabiting the Land at the head of the Bay
we conceive it would answer the Intent or proposall of Culti-
vation if Seated and we wish it were so.

14th Query. What sorte of force is the best way to secure
this province.

Answ^r To the proposall what force would be best to secure
this province, We conceive that the poverty of the place will
discourage any such attempt, and considering the great deserts
between us and any publicke enemy the present Militia if well
armed may be sufficient for our defence.

L. H. J. 15th Query. What methods are best to be taken for the conversion of Indians

Answer The best way of Converting the Indians is by good example of the English, and the Clergy endeavouring to learn their language and thereby be capable of Conversing with them.

16th Query. What returne is to be made about the Militia of this province.

Answer. As to the Militia of this province, we conceive that the present Lawes and constitutions are requisite to be continued till further consideration can be had of the proposall of Alteration. And in the mean tyme that his Ex^{cy} be humbly desired to give comissions to the officers allready nominated without which they cannot with Safety act, nor are the Soldiers bound to obey their comands.

House adjourned till 6 a Clock to morrow Morning.

Thursday June the 7th 1697. House mett.

A Bill for redress of the publicke Creditte read the 2^d tyme. Message from his Matys: hon^{ble} Councill by Colonel Hutchens.

By his Ex^{cy} the Gov^r and Councill June the 9th 1697

The message by M^r Tasker and M^r Blay last sent about the Naturalization of those two persons was received and here
p. 152 read which his Ex^{cy} Willing to assent too, Provided there be an exception therein so farre as the late act of parliament, for preventing frauds and Regulating abuses in the plantation Trade will admitt and allow of but not otherwise.

Signed p order

Hen: Denton Clk of the Councill.

House adjourned till two of the Clock.

Post Meridiem. House mett. A Bill confirming Titles of Land given to the use of Churches and Severall Chappells with in this province and Impowering the comissioners of the severall Countys and vestrys of there respective parishes to take up certain parcells of Land for the use of the same, read and assented to by the house.

An additionall Act to the act of assembly entitled an act for speedy recovery of small debts, assented to by the house.

An Additionall Act of Assembly how and when executions shall be granted for publick officers fees, read and assented to by the house.

An Act for enabling M^{rs} Catharine Herman Widdow and Relict of Colonel Casparus Augustine Herman deceased to

sell land in the port of Annapolis according to contract of her L. H. J. said deceased husband. Read and assented to by the house.

A Bill Impowering the Comissioners of each respective County to purchase Land for the use of their respective Courts, read and assented to by the house.

A Bill for Reformation of Jeofailes in Maryland, read and assented to by the house.

Severall addresses to his Maty: & to the Lords the Councill of Trade and for promoting the plantations, read and approved of.

Resolved that what Letters are necessary to be written by this house in the way of Complaint or thanks be written and signed by M^r Speaker on behalfe of the house.

A Bill for apportioning the publick Levy, read.

A Bill for redressing the publick Creditte, read the third tyme and assented to by the house.

The foregoing Bills and addresses sent to his Matys honble Councill by M^r Robert Smith and M^r Boothby.

An Act for the naturalization of George Slacombe and Stephen Francis read and assented to.

An Act for quieting the Differences arising between the English and Indians in private controversies, read and assented to.

The said Acts sent to his Matys hon^{ble} Councill by Major Ennalls and M^r Hatton.

House adjourned till 6 a Clock to Morrow morning

Friday June the 11th 1697. House mett.

Then came down the hon^{ble} Colonel Nicholas Greenberry, & Colonel Charles Hutchins with the Severall Bills yesterday assented to by this house (the same being assented to by his Matys: hon^{ble} Councill) together with some proposalls and Queries. p. 153

Resolved by this house that it will be for his Matys: Service that the Shippes in the country after the men of Warre are gone out of Virginia be permitted to saile as fast as got ready.

Resolved by this house that the persons appointed to apportion the publick Levy be hereby impowered to order the payment of Severall Summes of Money to the Severall persons that are allowed the same this Sessions upon the Journall of the Committee of accompts out of the publicke Treasurers hands.

Sent to his Matys hon^{ble} Councill A Bill for apportioning the publick Levy, read the third tyme and assented to by the house.

L. H. J. The said Bill with the following ordinance Sent up to his Maty^{ties} Hon^{ble} Councill by Major Dent, Cap^t Blay and M^r Ferry.

By the house of Delegates June the 11th 1697.

Voted and Resolved that the Kings Armes and the Countrys Armes distributed according to order of his Ex^{cy} the Gov^r and Councill be kept well fixed and in good repaire at the County charge as also the carrying and removeing them to those places where they are lodged.

That the officer with whom the Arms powder or Amunition is or shall be lodged give two Receipts for the Same one to his Ex^{cy} the Gov^r another to be kept among the Councill Records, which arms amunition &c are not to be disposed of (Except powder as shall be hereafter ordered) by the officers where lodged unless by order of his Ex^{cy} or of the field officers in Case of Invasion or Insurrection (which God prevent) upon forfeiture of treble the worth of the said arms and amunition to be disposed of for purchasing more.

That upon the dismissall Death or Removall of any officer with whom Arms and Amunition are Lodged, the next field officer with one Cap^t doe immediately goe and take an accompt of the said Arms and Amunition and secure them untill they receive some further order there about from his Ex^{cy} the Commander in Chiefe to whome they are with convenient Speed to send.

That if it appears that the Arms and Amunitions have been Embezled by any officer with whom they are or heretofore have been lodged, or by the heirs Ex^{rs} or Ad^{rs} of any such officers that the value thereof shall be first satisfied out of the said deceased officers Estate.

p. 154 That considering the powder of this province is generally decayed and of little value, that it may be Lawfull for each respective officer with whome it is lodged to sell or dispose of one halfe of the same, provided that within six months they provide the same Quantity of good new powder in its place, or answer for the same twelve pence Sterl: p pound to his Ex^{cy} And that if any such officer having disposed of halfe the old powder [as aforesaid shall have put the same quantity of good new powder in its place, he may then dispose of the other halfe of the old powder] on the like terms and conditions. And that in case the said powder cannot be changed and made good as af^d it be changed and made good yearly at the County charge to be assessed by the Com^{rs}

W Bladen Clk: of the house of Delegates.

The foregoing ordinance was brought down to the house thus subscribed.

June the 11th 1697. Assented to by his Ex^{cy} and his Maty^s L. H. J. hon^{ble} Councill.

Hen: Denton Clk: Councill.

Referred to the next Generall Assembly to finde out an Expedient for secureing peoples Letters from Imbezillment and interruption.

His Ex^{cy} having proposed to this house that if the breeding up of Indian Youths in Schools and fitting them for the university in Virginia will not be one good means to effect the conversion of the Indians.

This house doe say that it is a very good means to effect the same if any persons will be so charitable to educate them.

A Bill ascertaining what shall be the Sherrifs duty in and upon Returns by them made for publick dues and officers fees, read the third tyme.

Assented to by the house and sent to his Maj^{ty}s Councill.

Ordered that 50^{ls} Sterl: in the publicke Treasurers hands be applied to pay M^{rs} Herman what is due to her, when the now court house is finished. sent to the Councill.

His Ex^{cy} having comunicated to the house a certain Letter by him lately received from the R^t hon^{ble} the Lords of the Councill of Trade and forraigne plantations, wherein it is intimated that the Quota or assistance formerly ordered this province to contribute to New Yorke is required to be now employed with.

The said Letter also Intimating that there were some ministers expected into this province, who had not had his Matys: gracious allowance of 20^{lb} a piece; but that his Ex^{cy} upon their arrivall is ordered to pay them the same, and his Ex^{cy} desiring the same may be payed by the Country he having noe money of the Kings in his hands.

Resolved (nemine Contradicente) that in case his Ex^{cy} has no money of the Kings, and the said ministers arrive and require the paym^t that his Ex^{cy} draw so much out of the publicke Treasury of this province to be paid out of his Matys: money the first that comes to hand, and his said Ex^{cy} order shall be a discharge therefore to the said Treasurers.

That parte of their Lordsp^s Letters relateing to the Assistance to be given to new Yorke taken into consideration.

Put to the Question and resolved (nemine Contradicente) that the Gent^m appointed to apporcōn the publicke Levy this session are (in case they see a just occasion and Lawfull Authority, and noe Warre happening with our neighbour Indians and the Governor and Councill consent therewith) Impowered to draw out of the hands of the publicke Treasurers the Balance of what money is now in Banke in the publicke

L. H. J. Treasury being 154^{lb} 5^s 3½^d and pay the same to such persons as shall be lawfully Authorized to receive the same which shall discharge such Treasurers.

Major Hamond and Major Dent sent to his Matys: hon^{ble} Councill with a certain Bill, read and assented to by the house for the payment of 154^{lbs} 5^s 3½^d according to the resolve of this house.

They are also ordered to acquaint his Ex^{cy} that this house is ready to attend him in order to compleate this sessions.

Major Hamond and Major Dent returne to the house and say that they have delivered their Message and bring downe the Bill last sent up to the Councill assented to by that hon^{ble} board, and acquainted the house that his Ex^{cy} is ready to Receive them in the Councill Chamber.

Whereupon M^r Speaker and the members of this house go up to his Ex^{cy} the Gov^r and being admitted.

M^r Speaker presents to his Ex^{cy} the following Bills for his assent, Viz: An Act confirming Titles of Land given to the use of churches &c:

An additionall Act to an Act of Assembly Entitled an Act for speedy Justice for small debts.

An Act acertaining how and when execution shall be granted for publick officers ffees.

An Act Impowering M^{rs} Herman to sell a Lot in this porte.

An Act Impowering the Comissioners of Each respective county to purchase Lands for the use of their Courts.

An Act directing and appointing to what use the severall Rooms in the Stad^t house in the Towne or porte of Annapolis shall be appointed.

An Act for Reformation of Jeofailes in Maryland.

An Act for Quieting the differences arrising between the Indians and English in private Controversies.

An Act for the naturalization of Stephen Francis an Italian and George Slacombe a German borne.

An Act acertaining what shall be the Sherriffes duty in and upon returns by them made for publicke dues and officers ffees.

An Act for apportioning the publicke Levy.

An Act for payment of 154^{lb} 5^s 3½^d

To which his Ex^{cy} was pleased on his Matys behalfe to assent to and the same were Sealed with the Broad Seale of this province.

Also M^r Speaker presented to his Ex^{cy} these severall addresses, Viz:

An Address about the Bounds of this province.

An Address relating to the acts of Trade and navigation being put in Execution.

A Congratulatory address to his Maty:

L. H. J.

An adress of thanks to his Maj^{ty} for appointing the Right hon^{ble} the Lords of the Councill of Trade &c: p. 156

An address about the Navigation Bonds.

An address to the Lords of the Councill for Trade &c. Relating to the assistance to be given New Yorke.

The which addresses were well approved of.

Lastly his Ex^{cy} was thus pleased to bespeake the Assembly, Viz^t

That he heartily thanked them for having made so many good Lawes which he believed had answered the very Intent of the writte of Election Viz: the hono^r and Glory of God, his Maj^{ty}s Service, and the good of the Whole publicke, and willed them being Magistrates in their Severall Countys to see the same putt in due Execution.

He also gave them to understand that there was a late act of parliam^t that prohibited the continuance of one parliament longer then three yeares, and since this Generall assembly was in the like nature of the parliament of England as to this province, he thought that the same being continued neare three yeares, In example of the Kingdom of England (whereon this province so wholly depends) ought to be dissolved.

Therefore in his Majestyes name his Excellency told them that he did dissolve them.

And thereupon they were dissolved.

W Bladen Clk: of the house of Delegates.

An Act for the Confirming Titles of Land Given to the use of the Churches and severall Chappells within this Province Impowering the Co^mmiss^{rs} of the respective Countys & Vestrys of the respective pishes to take up Certein pcells of Land for the use of the same. Lib. L. L. 2

Whereas severall pious and well disposed persons have given and granted unto the respective parishes whereto they doe belong Certein parcells of Ground for the use and benefitt of a Church and Church yard which said Land through the neglect of the Vestrys whereby an Act of Assembly of this Province made att a Sessions of Assembly held att the Porte of Annapolis the 20th day of July in the year of our Lord 1696 Intituled an Act for the Service of Almighty God and the Establishm^t of the Protestant Religion p. 145

Lib. L. L. 2 were thereby Capacitated and Impowered by the names of the Principall Vestryman and the rest of his Brethren Vestrymen of such parish to take and receive any Deed or gift for the same notwithstanding the Charges of the respective parishes in building Churches or Chapells thereon is like to be lost or the Title thereunto very disputable for want of such Deed of Gift or Conveyance inrolled and recorded as by the Act of Assembly is required the first Donors or Grantors thereof being Dead and the heires of such Donors or Grantors either refusing to make over such Land as aforesaid or under age not Capable of so doing Be it therefore Enacted by the Kings most Excellent Māty by and with the Advice and Consent of this Present Generall Assembly and the Authority of the same That all such Lands that have formerly been Given to the use of any Church or Chapell and for which the Donors or Grantors thereof in their life times haveing not given any Deed of gift for the same or otherwise refusing so to do and in Confidence of whose promise the

p. 146 parish have been at the Charge of Erecting and building their Churches thereon be and remaine to the use of the parish forever against all Claimes and pretentions of Claims made or that shall hereafter be made by such Donors or Grantors or his or their heires Ex^{rs} or Assignes as firmly and absolutely as if the same had been made over by Deed of Gift grant or otherwise enrolled and Recorded as aforesaid. And to the end it may be known what Lands have been so given to the use of any Church or Chapell af^d and not made over and Confirmed by Deed of gift or grants as aforesaid, the Grand Jury in each repective County within this Province next after the publication of this Act shall have in Charge to Enquire by what Titles such Lands whereupon the severall Churches or Chapells aforesaid within the respective parishes and in their precincts are held and to render an Acc^t thereof to the Court who are hereby Impowered where any such Lands shall appear to be given and not Confirmed as aforesaid in open Court to Examine Wittnesses in perpetuam rei Memoriam and the same Cause to be recorded in the County Records which shall be Deemed adjudged and taken in all Courts of Records within this Province as Sufficient proof of the Donation or grant as also to the quantity of Acres given or Granted as af^d and in Case it shall appear upon such Examination that Lands have been Given for the use of any Church Chapell and Church Yard as aforesaid but the quantity thereof not mentioned by the Donors or Grantors thereof as aforesaid that then and in every such Case the Vestry of the respective parish where such gift or grant hath been made and the quantity not mentioned as aforesaid may Demand and take of such

Lands for the use of the Church and thereto adjacent two acres and no more which they shall Cause to be Surveyed and staked and make returne of two Certificates thereof one of which must be Recorded in the County Court and the other in the High Court of Chancery there to be Registered in perpetuam rei memoriam as af^d

Lib. L. L. 2
P. 147

And be it further Enacted by the Authority afores^d by and with the Advice and Consent aforesaid That where the Vestry of any parish within this Province have or shall think Convenient to place either Church or Chapell of Ease within their respective parishes for the better Conveniency of their Parishioners but the Owner or Owners of such Land Chosen out and appointed by such Vestry as aforesaid for the use of their parish aforesaid either refuseing to make sale thereof or being unreasonable in his or their Demands for the same or otherwise incapacitated by nonage non Sane memorie or being beyond the seas that then and in every such Case the respective Vestrys of the respective parishes shall apply themselves to the Comissioners of the County Court whereto they belong upon whose application the said Comissioners shall forthwith Grant their Warrants to the Sherriffe of their County thereby requireing him att a Certain Day and time to be by them nominated and appointed to Impannell a Jury of Substantiall freeholders next adjacent to the Land in Quest afores^d which said Comissioners and Jury aforesaid shall proceed in all things as by another Act of Assembly (Intituled an Act Impowering the Comissioners of the severall and respective Counties to take up & purchase Lands for their County Court houses) they are directed not Exceeding two Acres as before in this Act is Mentioned & Expressed any thing in this Act or any other ordained to the Contrary notwithstanding.

P. 148

An Act for the better enabling M^{rs} Katherine Herman Widd: and Relict of Coll Casparus Augustine Herman Deceased to Sell Land in the Porte of Annapolis According to the Contract of her said Deceased husband.

Whereas Coll Casparus Augustine Herman late of Cecill County Deceased in his life time did sell unto Garrett Vansweringen of the City of St Marys Gent. one Lott of Land in the Porte of Annapolis with Two houses thereon Erected the said Lott being heretofore sould him the said Coll Herman by this Generall Assembly and lying against the new State house ffront Door And for that the said Col Herman had and received a Valuable Consideration therefore of the said Garrett Vansweringen in his the said Col Hermans life time and dyed before Legall Conveyance made Be itt Enacted by the Kings most Excellent Māty by and with the advice & Consent

Lib. L. L. 2 of this present Generall Assembly and the Authority of the same that M^{rs} Katherine Herman Widd. & Adm^{rs} of the said Coll Herman be and is hereby Enabled to sell Assigne and Confirme unto the said Garrett Vansweringen and his heires and Assignes forever the said Lott of Land & houses and to do all maⁿer of Acts and things whatsoever for the Conveying and Assureing the same unto the said Garrett Vansweringen his heires or Assignes for ever in as full and ample maⁿer as
 p. 149 he the said Col Herman might or Could have done were he yett liveing and that the sale so by her made shall Invest the Vendee or Vendees with a good sure and indefeazable Estate in ffee simple to them and their heires forever maintainable and Defendable against all persons whatsoever by virtue of this Act any Law Statute or usage to the Contrary thereof in any wise notwithstanding.

An Act Impowering the Com^{missioners} of each respective County to purchase Lands for the use of their respective Court houses.

Whereas It has been represented to this Generall Assembly that Sundry Court houses within this Province for the better Conveniency of their respective Countys have been built upon Lands whereunto the Countys Could make no Legall Claime or Challenge the Owners thereof either refuseing to make sale or otherwise incapacitated of so doing by reason of nonage or being beyond the Seas which evil if not prevented will be very prejudiciall to such Countys who have allready layd out and Expended Considerable sums of Tobbacco in Erecting and building such Court houses aforesaid

Be it therefore Enacted by the Kings most Excellent M^{aty} by and with the Advice and Consent of this present Generall Assembly and the authority of the same That the Com^{missioners} of the sev^{all} and respective Countys within this Province whose Court houses are Erected that did otherwise hold Courts or Lands whereunto the respective County Can lay no Just title or Claime to as afores^d do on or before the Tenth day of Aprill next Ensueing meet att their respective Court
 p. 150 houses (if any) or otherwise att such usuall place where Courts are by them held as aforesaid and there Treat Contract and agree to and with the Owners of such Lands whereon such Court house shall stand or Courts be held as aforesaid for such and so much Land in that part and place where such Court house stand or Courts held as afores^d as to them may seem Convenient for the use thereof not Exceeding the Quantity of three Acres and upon Agreem^t with such person or persons partys Owners as afores^d or his or their Attorney

or Attorneys by him or them Impowered to make Sale thereof Lib. L. L. 2
to receive a Conveyance thereof in the name of his Māty his
heires and Successors to the use of the County before men-
tioned and the same shall record in the County Courts as by
Act of Assembly is required and the sum or sums of Tob-
bacco by them so Contracted and agreed for to be leavyed by
an Equall Assessment on the respective Countys for and in
satisfaction of the purchases afores^d but in Case such Owner
or Owners or his or their Attorneys Lawfully Impowered shall
refuse to make sale thereof or be unreasonable in his or their
Demands or otherwise incapacitated to make Sale thereof by
reason either of nonage non Sane Memorie or being beyond
the Seas that then and in every such Case it shall and may be
Lawfull for the Comissioners of the said severall and respec-
tive Countys by Virtue of this Act to issue out Warrants to
the respective Sheriffs thereby Comanding and Impowering
them to Impanell a Jury of Substantiall ffreeholders within
their respective Precincts att a Certeine day and time to p. 151
appear before the said Comissioners on the Lands aforesaid
which Jury upon their Oaths to them first Admistred by the
said Comissioners are to inquire into the true Value of such
and so much of the said Land as by the Comiss^{rs} they shall be
directed not Exceeding three Acres aforesaid and to Assess
such Damage and recompence for the same as they shall think
fitt to be awarded to the Owners or others on their behalfe
intrusted and the returne of the Jury to be by them made in
two parts one whereof is to be sent to his Excellency the
Governor and Councill of this Province for the time being the
other to be recorded in the Severall and respective County
Courts whereto they properly belong shall be a perpetuall
Barr to the Claime or pretention of Claime made or that shall
hereafter be made to the whole or any part thereof by the
Owner or Owners or his or their heires Executors or Assignes
forever and the Damage or recompence by the sev'all and
respective Jurys awarded for and in Satisfaction of such Lands
by them inquired of to the Owner or Owners thereof as
afores^d shall be by the Comissioners of the respective Countys
for the time being when thereunto required by such Owner or
Owners or others Lawfully intituled to the Damage thereof to
be leavied and Assessed in such method and mañer as in this
Act is before mentioned & Expressed and for the better
Ascertainning the bounds of the said Land so purchased or
taken up for the use of the Countys aforesaid It shall and
may be Lawfull to and for the said Comissioners who are also
hereby Impowered and required to issue out Warrants to his
Mātys Surveyors of the respective Countys whereto they
belong to appear att such day and place to be by them

Lib. L. L. 2 appointed as aforesaid then and there to Survey & lay out in
 p. 152 the presence of the Jury aforesaid such Lands by them taken
 up for the use of the County aforesaid and the same att the
 end of each Angle shall bound with a good and substantiall
 Locust Post or other durable wood to be six foot under
 Ground att the least and five foot above as also such and so
 many Posts within the Angles afores^d as may be discovered
 from one to the other which posts when and as often as they
 shall decay the Comissioners shall Cause new ones to be
 affixed in theire places att the County Charge forever and the
 respective Surveyors return two Certificates of such Surveys
 by them made as aforesaid with faire platts of the same one
 whereof to his Excell^{cy} the Governor and Councill as afores^d
 and the other to be Recorded and kept in the County Court
 as afores^d any Law Statute usage or Custom to the Contrary
 notwithstanding And be it Enacted by the Authority afores^d
 by and with the Advice and Consent afores^d That the Lott
 whereon the Court house of Dorchester County now stands
 together wth the Tenements thereon being formerly Taken up
 being either Imbezled or Casually Lost be and remain to the
 use of the County for ever as firmly and absolutly as if the
 same had been Actually Conveyed by the true Owner or
 Owners thereof any thing herein Contained to the Contrary
 notwithstanding.

p. 153 An Act Directing and appointing to what use the severall
 Rooms in the State house in the Town and Porte of Annapolis
 shall be Applied to.

Whereas this Province hath been att a great Charge and
 Expences in the building of a State house or a Publick house
 of Judicature att this Porte of Annapolis which is now almost
 finished and Compleated and to the end that the said house
 and the Severall rooms and appartments therein may in time
 present and to Come be applyed and appropriated to the uses
 and purposes the same was Designed for and no other

Be it Enacted by the Kings most Excellent Maty by and
 with the Advice and Consent of this present Generall Assem-
 bly and the Authority of the Same That the said State house
 and the Severall Rooms and appartments therein for the time
 present and to Come be and is hereby Appointed and Appro-
 priated to the uses and purposes hereafter mentioned and no
 other that is to say the great Room below staires for Courts
 and Assemblys to sitt in the little Room below the staires to
 be for a Magazine for every thing but powder to lye in the
 two Rooms on the Right hand above Stairs for Jury and
 Comitteee rooms the two rooms on the left hand to be for Pro-
 vinciall and Land Office Records to be kept in and the fore

porch to be for the Comissary Office & Records of Probat of Lib. L. L. 2
Wills and Granting Administrations &c to be kept in the two
Rooms on the Right hand in the upper Loft one for the p. 154
County Clarke to keep the County Records in and the other
for Annapolis Town Clark to keep his papers in and the other
two Rooms on the left hand one of them for keeping the
Records of the Chancery Court and the other for keeping the
Records of the Governor and Councill in one part of it and
an ot her part of thesame Room for Lodging of all Bonds Bills
Certificates Cocquetts and other Navall papers Transmitted
from the Collectors and Navall officers of this Province To
which end and purpose all Navall Officers and Collectors are
by this Act bound & obliged to returne to the Governor and
Councill once in the year that is to say on the tenth day of
June Yearly and in every Year all Cocquetts Bonds papers and
other Certificates lodged with them or any of them by any
psons as aforesaid under penalty of being proceeded ag^t and
punished for such their Contempt.

The Room above the Back porch to be for the Clark of the
house of Delegates to keep the Journalls, papers and proceed-
ings of that house in and the loft above the fore porch over
the Comissarys Office to be for hanging a Lanthorn out & for
a Comitte Room and to make the same more Comodious and
fitt for the Services afores^d

Be itt Enacted by the Authority aforesaid by and with the
Advice and Consent aforesaid That the said Rooms be fitted
up with all necessary and Convenient boxes, Shelves Desks
and Tables to write on and att the door of every office a barr p. 155
be made within which no person shall Come but the Clerk of
such Office unless upon urgent and great occasion nor shall
the Clerk of any such Office remove or Convey any Record
Book or Papers of Record out of any such Office to w^{ch} it
belongs unless for the use or by Express Comānd of the Gov-
ernor or Councill, Assembly or Justices of the Provinciall or
County Courts And be it Enacted by the Authority aforesaid
by and with the Advice and Consent aforesaid That the Clerks
of the Severall Offices for the time being do Carefully and
diligently keep all the Records and Papers thereof in good and
decent Order and that they mark on the out side of every
Book the Dates of the Sev'all Years that the Records within
mentioned were Transacted in and the same Dates of the years
on all Bundles of papers and mark on the out side of every
paper what the inside Contents are and the better to place and
Settle the Severall Clerks & Officers of the Severall Offices
and Stations above mentioned,

His Ex^{cy} Francis Nicholson Esq^r his Matys present Gov-
ernor of this Province The Hon^{ble} Sr Thomas Laurence Barr^{tt}

Lib. L. L. 2 his Matys Secretary the Hon^{ble} Henry Jowles Esq^r Chancellor of this Province and the Hon^{ble} Kenelm Cheseldyn Esq^r Comissary Generall or the Survivors of them are hereby requested Authorized Impowered & desired to settle and place the Severall Records and proceedings and the Clerks and Officers in the Severall Offices and places above Enacted and ordained for the uses aforesaid as soon as the said house is finished and Compleated and any Clerk that shall att any time hereafter either remove or Convey out Except before Excepted any Records or process of their respective Office or
 p. 156 neglect or omitt to keep their Records in good Order and duly Entred up according to the Tenor of this Act shall upon due proof thereof made ag^t such Clerk & Conviction thereof in the Provinciaall Court of this Province be lyable to be punished by fine of one Thousand pounds of Tobbacco or be forever after incapable of bearing the Office of Clerk in this Province either or both punishments as by the Justices before whom the matter is tryed shall adjudge any Law Statute or Usage to the Contrary notwithstanding.

An Act for the Naturalization of Stephen Francis an Italian and George Sleycomb a German borne

Be it Enacted by the Kings most Excellent Maty by and with the Advice and Consent of this p^rsent Generall Assembly and the Authority of the same That Stephen Francis and George Sleycomb be from henceforth adjudged reputed and taken as naturall borne Subjects of this province and that they the s^d Stephen Francis and George Sleycomb by the Authority aforesaid are hereby Enabled and adjudged to all Intents and purposes to Demand Challenge Ask have hold and Enjoy any Lands Tenements and Hereditam^{ts} and all other Rights and priviledges but what is herein after Expressed as if the said Stephen and George had been naturall borne Subjects of this
 p. 157 Province also the said Stephen and George are hereby Enabled to prosecute maintain Justify and Defend all maⁿer of Actions Suites pleas plaints and all other demands whatsoever as fully Lawfully & securely as if they the said Stephen and George had been naturall borne Subjects of this province Provided That this Act or anything herein Contained shall not be Construed or taken to Enable or qualifie the above persons to enjoy or hold any place, Office, Calling, or Imployment prohibited or not Tollerated by the late Act of Parliament of England Intituled An Act for preventing frauds and regulating abuses in the Plantation Trade or any other Statute Law of England any thing in this Act to the Contrary thereof in any wise notwithstanding

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